DOCUMENT RESUME

ED 090 816 HE 005 390

AUTHOR	Evans, Eli, Ed.
TITLE	A Step Toward Equal Justice: Programs to Increase Black Lawyers in the South.
INSTITUTION	Carnegie Corp. of New York, N.Y.
PUB DATE	73
NOTE	8p.
EDRS PRICE	MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS	Civil Rights; Colleges; Educational Programs; *Higher Education; *Law Instruction; *Law Schools; Lawyers; Legal Problems; Minority Groups; *Negro Education; Negroes; Racial Discrimination; Southern Attitudes; *Southern Schools; Universities
IDENTIFIERS	*Earl Warren Legal Training Program Inc; Law Students Civil Rights Research Council

ABSTRACT

An extensive evaluation of 5 years of grants from private foundations, corporations, and individuals to increase the number of black lawyers in the South is summarized in this pamphlet. The results of the evaluation of the Earl Warren Legal Training Program, Inc., and the Law Students Civil Rights Research Council indicated: (1) Larger numbers of black students are staying in the South to go to law school and intend to stay there to practice. (2) Applications from blacks have risen steadily at Southern law schools. (3) Increasing numbers of black students made it easier to recruit and appoint the first black law professors at six southern state university law schools. (4) Larger numbers of young black lawyers are establishing law practices across the South. (5) Young black lawyers are being drawn into a larger leadership role in their communities. While the report points out that gains have been made, the lack of representation and injustice continues to plague blacks living across the South. This report challenges the Southern institutions to refocus their perceptions sufficiently to accommodate the changing ambitions of black students. Part two focuses on a young black lawyer in Columbus, Georgia- his problems, aspirations, and why he chose Columbus to practice. (Author/PG)

ED 090816

A Step Toward Equal Justice

Programs to Increase Black Lawyers in the South

1969-1973

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

An Evaluation Report to Carnegie Corporation of New York

ED 090816

A Step Toward Equal Justice

Programs to Increase Black Lawyers in the South

1969 1973

An Evaluation Report to Carnegie Corporation of New York

Carnegie Corporation of New York
437 Madison Avenue
New York, New York 10022

CONTENTS

Introduction
Eli Evans

Part 1

From Student to Intern to Attorney
Summary of a report on grant programs to increase the number of black lawyers in the South 1969-1973.
Robert W. Spearman

Part 2

Sanford Bishop Chooses Columbus, Georgia
Hugh Stevens

NOTE ON THE AUTHORS

Robert Spearman and ***Hugh Stevens*** practice law in the firm of Sanford, Cannon, Adams, and McCullough, in Raleigh, North Carolina.

Robert Spearman is a 1965 honors graduate of the University of North Carolina where he won a Rhodes Scholarship to read philosophy, politics and economics at Oxford University in England. He graduated from the Yale Law School in 1970 and served as law clerk to Supreme Court Justice Hugo Black.

Hugh Stevens is a 1965 graduate with an A.B. in English from the University of North Carolina and a 1968 graduate of the University of North Carolina law school. He is a former assistant news editor of the *Greensboro Record* and has contributed articles to various national magazines and newspapers.

INTRODUCTION

The report in this pamphlet summarizes an extensive evaluation of five years of grants from private foundations, corporations and individuals to increase the number of black lawyers in the South. The money supported programs of The Earl Warren Legal Training Program, Inc., a new educational entity affiliated with the NAACP Legal Defense and Educational Fund (LDF), and the Law Students Civil Rights Research Council (LSCRRC)—organizations involved in every aspect of working to encourage black students to enter law school and then practice in the South. These programs recruited law students, provided scholarships, tutoring and counseling, and enabled them to gain summer experience working on civil rights litigation. The programs then provided post-graduate fellowships to a limited number of graduating black lawyers so they could work for a year in law firms or a civil rights legal organization. In the succeeding three years, the funds provided fees for the civil rights legal work of the young lawyers in a new law practice of their own or with a larger law firm in the South specializing in civil rights.

This series of grants constituted a broad systems approach to the needs of black communities in cities and counties across 11 states. While the programs were open to students of the four predominantly black law schools in the South—Texas Southern, Southern University in Baton Rouge, Howard University, and North Carolina Central—the report focuses on the impact of these programs in 17 predominantly white southern law schools—13 state university law schools and four private schools (Duke, Vanderbilt, Tulane and Emory). These efforts tell the profound human story of black students arming themselves with a knowledge of the law and upon graduation openly committing themselves to the rigors of a civil rights law practice.

The results of the evaluation of these programs indicate that over the last five years:

- *Larger numbers of black students are staying in the South to go to law school and intend to stay there to practice.* Since 1969, the number of first-year black law students at these 17 southern law schools has increased from 22 to about 171. The total number of black students enrolled in those same schools in the fall of 1973 amounted to 375. Of 210 students who responded to a questionnaire, 171 intended to practice in the South.
- *Since almost every one of these law schools is now recruiting black students, applications from blacks have risen steadily.* Under a special recruiting program run by the Law Students Civil Rights Research Council, the students themselves are returning to campuses to persuade other undergraduates to join them. Law school applications from black undergraduates have increased in these schools from 396 in 1970 to 768 in 1972.
- *Interviews indicated that increasing numbers of black students made it easier to recruit and appoint the first black law professors at six state university law schools*—Virginia, South Carolina, North Carolina, Florida State, Louisiana State, and Alabama.
- *The number of black students graduating from these 17 law schools has increased dramatically in the last few years.* By June of 1972, the program had produced 127 graduates; in June of 1973, the Warren program could count 102 additional graduates, for a total of 229 graduates, most of them in the last two years. Since several hundred black law students are currently enrolled, this level of graduates should continue over the next few years.
- *The summer internship program, which LSCRAC administered, placed in the South more than 481 students of both races (approximately 50 percent of them black) into summer working experiences in civil rights law firms or organizations, and government legal programs.* The program, evaluated as "an important skills-building experience" has increased the desire of students to complete law school by giving them the confidence that they could function as civil rights attorneys. The program also provided a way for black students in northern law schools to test the South for a summer as a place to practice after graduation.
- *The attrition rate for Warren scholarship students was 30 percent in 1969 when all recipients were first-year students, declined to 10 percent in 1971, and dropped off significantly for second- and*

third-year students. On close examination, the overall rate has been one-third less than the unanalyzed figures indicated. (The report sought to reach "drop-outs" and found a significant percentage who were either readmitted in subsequent semesters or had transferred to other law schools.)

- *Larger numbers of young black lawyers are establishing law practices across the South.* The size of the black bar in Mississippi now exceeds 49 lawyers, more than quadruple the 1969 figure (there were three in 1965), and the numbers are "up sharply" in many other southern states.
- *Young black lawyers inevitably are being drawn into a larger leadership role in their communities.* Especially impressive is the performance of the post-graduate Warren fellows. Since 1970, there have been 39 first-year fellows, 12 of these in the first year of the program in 1973-74. Of the other 27, all but two are currently in practice in the South; all but one have passed the bar examinations. Former fellows are serving, for example, as the mayor of a town in Alabama, in the state legislature in Arkansas, as a municipal judge in Houston, on the Board of Elections and the Selective Service Board in North Carolina, as a Democratic county chairman in Mississippi, on the city council in Arkansas.

While the report points out that gains have been made, the problems of lack of representation and injustice continue to plague the nine million blacks living across the South. Forty-nine black lawyers in Mississippi is a significant increase from three in 1965—but there are approximately 800,000 blacks in Mississippi. The ratio of one lawyer for every 16,000 blacks does not begin to approach the legal services available to the white population in the state. By contrast, 1,400,000 whites can call on the services of 3,200 white members of the bar—a ratio of one lawyer to every 450 whites. Black people by and large still view the law as a force that acts to deny them justice, not to protect their rights. To most of them, the law is still the sheriff and the white jury, not the black lawyer or the impartial judge. Moreover, the bar exam results in some states have called into question the fairness of that process—especially in one state where all 41 blacks who took the exam failed it, including a few black graduates of Harvard and Columbia law schools. Students have filed law suits charging discrimination in bar exams in at least four southern states.

Two powerful forces have been at work in the South, stirring the aspirations of young black people across the region. First is the Voting

Rights Act of 1965, which opened up registration to more than two million disenfranchised blacks and resulted in an increase of black elected officials from about 75 in 1965 to more than 1,300 in 1973. As voting opened, so did opportunity. Black students discovered a future in the South as lawyers, government employees, elected officials and political leaders.

The atmosphere slowly changed: after years of arduous and painful efforts to break down the barriers of segregation, the tone and possibility of the South began to unfold for young black people. This was not another "New South" heralded so many times in southern history by writers and poets. This time the change was deep down in the very grit of the political life of the region, rooted in a profound shift of power and influence and participation.

The other force for change was the impact of integration on the law students of both races. I have traveled the South as a journalist and as a foundation official, going over much of the same ground in 1968 as this report covered in 1973. In 1968, the few early black students in predominantly white law schools were complaining of racial slurs, an atmosphere of antagonism, the loneliness of learning in an alien environment. In 1973, while the mood at some schools still was tense, the worries on the whole were more over academic and financial matters and the uncertainties of the job market.

Both black and white students had changed. Larger numbers of blacks made each student less of a novelty and created a supportive community of black student cohesiveness; the white students no longer viewed their black classmates as intruders. As one white student said when asked about integration, "So what's the big deal?"

Still tensions have not disappeared in the classrooms, nor is the curriculum now relevant, nor does the environment lack suspicion. Law schools and states in the South differ enormously—the University of Virginia, under the leadership of Dean Monrad Paulsen, has graduated all but one black student who was admitted, and 32 are currently enrolled; the University of Mississippi, which changed its policies dramatically during Joshua Morse's deanship when it enrolled 39 black students, dropped back a few years after he left to a disappointing six admissions in 1973, only two of them new first-year students according to LSCRRC. While the total number of black law students has increased since 1969, they still represent about 3 percent of the total number of students enrolled in these schools. No predominantly white school has a proportion of black students higher than 7 percent of its student body.

The great dangers in the future, according to the report, are that the law schools will cut back because of increased pressure from rising numbers of overall applications coupled with a feeling of officials that the *DeFunis* case, the case of the white law student from Washington State whose appeal is pending before the U. S. Supreme Court, has cast a cloud of doubt over the constitutionality of admitting minority students on criteria which look at factors other than grades and test scores. The report warns that "the fact that *DeFunis* is being litigated could encourage a 'go-slow' attitude on black admissions among state legislators or law school deans." It is important to note, the report points out, that many black students admitted on criteria which include their motivation, potential as lawyers, or capacity to contribute to the community have graduated, passed bar exams, and are practicing law successfully in the South.

The evaluation summarized in this publication was requested by Carnegie Corporation and focuses primarily on grants to The Earl Warren Legal Training Program and to LSCRRC by the Corporation and the Ford Foundation. It was written by Robert Spearman, a former Rhodes Scholar and clerk to Supreme Court Justice Hugo Black. It included eight months of travel in the South during which he interviewed law school deans, black and white students, faculty members, and young lawyers practicing in the South. The detailed administrative analysis and the interviews and observations run to several hundred pages and prompted Jack Greenberg, director of the Legal Defense Fund to say that in his 25 years at LDF, "there has never been a report on any of our activities with the depth and humanity of this report." In addition, Hugh Stevens, a lawyer and former newspaperman, has written a journalist's account of his impressions of the impact of one young black lawyer beginning practice in Columbus, Georgia.

The Earl Warren Legal Training Program included grants of approximately $3.75 million from 1969 to 1973 from 21 foundations including major grants from the Field Foundation, Carnegie Corporation of New York, the Ford Foundation, the Rockefeller Brothers Fund, Alfred P. Sloan Foundation, the Fleischmann Foundation and scores of other individuals and corporations contributing through the NAACP Legal Defense and Educational Fund. The LDF estimates that approximately $2.9 million of this amount was spent on its southern program. The national programs of the Law Students Civil Rights Research Council have been supported by 38 foundations and more than 15,000 individuals who have contributed more than $1.6 million since 1969. LSCRRC estimates about $650,000 of this amount has been spent on programs in

the South. (A list of foundations contributing to both programs is included as an appendix.)

It is important to note that while this report covers the period from 1969 to 1973, the programs had their roots in an earlier period. The Legal Defense Fund, after its successful litigation had opened the way, began in 1964 to recruit and offer scholarships to black law students to enter the then all-white state law schools of the South. A year earlier, with the help of the Field Foundation, it had begun a four-year post-graduate program for young black lawyers which provided special training in civil rights law and help during the first years of practice in a southern community having no black lawyers. This pioneering effort grew out of a serious concern for the difficulties of implementing newly-won legal rights for blacks without the local lawyers available to help carry the burden of litigation on large public issues.

A few years ago, a report on the rising number of black lawyers graduating from predominantly white southern law schools might never have been made public. Racial progress had to be achieved quietly or else the law schools ran the risks of legislative investigations, alumni pressures, and threats of budget cuts and dismissals.

Those risks to the institutions are minimal in 1974. Today the alumni of the law schools, the bar associations and the bar examiners have an obligation to make the legal system free of discrimination. While it is clear that the southern law schools have changed with the changing South, it is also clear that these institutions and others in all areas of southern political and economic life will have to step forward with even greater commitment if they are to meet the rising expectations of the minority community for a more representative and open system of justice.

The report points out that a large class of black lawyers will graduate in June of 1974 and there are early indications of great difficulties for many of them on the job market. They are looking for jobs at the very moment when the federal government's commitment to the OEO Legal Services Program is uncertain and when the economy is in a downswing. Where will they go? What will they do? It would be the greatest irony if black students who chose to stay in their home states for law school were to have to leave the South to find legal jobs. There are still only a handful of integrated law firms in the South; the offices of district attorneys, local prosecutors and public defender agencies are still largely segregated; state and local governments have a long way to go as employers of equal opportunity. The rising number of black officials and

all of southern business and economic life will have to find ways to use and support these lawyers, with special concern for the young lawyer who decides to go it alone as the only black lawyer in his community.

What this report shows is that the black lawyer can matter—for on the day he opens an office, he is the chief defender of rights, a major catalyst putting together ideas for economic development, and an important civil rights strategist. He becomes a responsible leader of his people, working within the legal system to improve local and state governments, keep the courts unbiased and the juries integrated, a symbol to other blacks of hope for a future.

The 350-year contest for the soul of the South will not end suddenly, but with a long process of healing. A strong, vital, black community, lending the minds and talents of its people to the South of the future, remains the key to regional vitality and a national reconciliation. White southerners are discovering that truth in Atlanta and Raleigh and dozens of other cities across the South where they are helping to vote black officials into office. The passions of southern history are still present and can explode into violence at any moment. Yet, in so many ways, it is today the most optimistic section of America, for black people are seeing new faces in the city halls and young black attorneys in the court houses.

The South has always been one of the testing grounds for the nation's future. What happens there affects the tide of migration to the ghettos of the North, the political balances in the Congress, the dark stage of history where blacks and whites have always struggled for new definitions.

It has been said that the civil rights movement of the sixties has moved in the seventies out of the streets into the ballot boxes. Southern blacks are beginning to learn that the political system can be a major vehicle for peaceful social change in a democratic society. That some of their sons and daughters who were swept up in the sit-ins have now come to think of the law as a career can only advance that movement toward involvement in the processes of government.

This report challenges the institutions of the South to refocus their perceptions sufficiently to accommodate the changing ambitions of black students. The first steps have been taken; it has not been easy for the law schools or the students; there are serious obstacles ahead that will test commitments on all sides. But the first steps are often the most difficult and the schools cannot turn back. The question for the future lies deep in the quality of integrated public education in the next

decade, of higher education's adjustments to rising aspirations, of a continuing flow of black lawyers into southern society who will be a natural part of the terrain, free to defend the rights of all races seeking higher income, better housing, and equal education, opening the region to equal justice under law for all the southerners living there.

ELI EVANS
Program Officer
Carnegie Corporation of New York
April, 1974

Part 1

FROM STUDENT TO INTERN TO ATTORNEY

Robert W. Spearman

FROM STUDENT TO INTERN TO ATTORNEY

At the time of the major grants by foundations to provide scholarships for black law students in 1969, there was a critical shortage of black legal representation in the South. Nine blacks were then practicing law in Mississippi, 20 were in Alabama and only 34 in Georgia. Only a few hundred black attorneys were practicing in the entire region, from Washington, D. C. to Texas.

The severe shortage of black attorneys had many distressing consequences. Black people in most of the South found it difficult to obtain any adequate legal representation, especially for civil rights cases or cases with civil rights overtones. Few southern white attorneys were willing to accept civil rights cases, and almost no black attorneys were available to take them. The lack of representation meant that many legal rights newly won in the civil rights movement of the 60's still existed only on the statute books. The shortage of black lawyers not only made legal services difficult to obtain; it also meant that southern black people were not receiving the benefit of the community and political leadership that attorneys so frequently provide.

The problem was extremely complicated and hence difficult to attack. Black undergraduates who were potential law school applicants had good reasons to be skeptical about a legal career. Unlike teaching or the ministry, law was not a familiar career pattern and black faculty usually steered their students toward traditional graduate school and employment choices. For many southern blacks, the legal system was perceived as an engine of harassment and repression. As one black student told me: "You have to understand that many black students don't think about law because for most of us our only contacts with the law are with policemen." The traditions of southern law schools were not inviting. Most of these schools, even the University of Virginia with its strong academic credentials, were seen as white men's pre-

serves, where blacks were still not welcome even though they could no longer be legally excluded. For the prospective black student, financial considerations also weighed heavily. Many students whose families had fought constantly against poverty were reluctant to forego steady paying jobs and incur heavy debts to gamble on law school—and in 1969 law school had to be viewed as a gamble because so few blacks had tried it.

At the University of North Carolina at Chapel Hill the law school had admitted a few black students in the early sixties, but that earlier momentum had waned. In 1968 that school neither accepted nor enrolled any black students. Virginia had had very few black students in its history, and had enrolled only three in its entering class of 1968. In its three classes that entered in '66, '67 and '68 Texas accepted a total of four black students. Alabama had enrolled only one in the class of '68, and its one previous black student had failed to graduate. Georgia enrolled no blacks in its law school in 1968, and only one between 1965 and 1968.

By the summer of 1969 a number of southern law school deans, led by Monrad Paulsen of Virginia, had indicated a strong interest in admitting more black students but they were very doubtful of their schools' ability to compete with northern law schools in recruiting. They were concerned about the newly organized Council on Legal Education Opportunity (CLEO) program which was offering scholarships at the school of one's choice to black students successfully completing a summer institute tutorial program. Many southern deans felt that the CLEO opportunity, combined with generous scholarships at northern schools, would strongly encourage students to go North to law school and they would not return to practice in the South where the shortage of black attorneys was most acute. The deans feared that any southern law schools' recruitment efforts would be hampered not only by a segregationist history but by an acute shortage of school scholarship funds.

Beyond all of these difficulties was the heritage of a dual school system and the damage it had inflicted on generations of black college students. Despite *Brown v. Board of Education*, the southern black college students who were potential law school candidates in the early 70's had received most or all of their primary, secondary and college education in all-black schools that were usually underfunded, understaffed and unequal. The black students' academic preparation and background rarely matched their white counterparts', and their pros-

pects for success in a competitive law school environment were uncertain at best.

The foundation strategy to help produce more black lawyers in the South involved a series of grants to the NAACP Legal Defense and Educational Fund (LDF) and the Law Students Civil Rights Research Council (LSCRRC). The LDF programs included grants of approximately $3.75 million from 1969 to 1973 from 21 foundations including major grants from the Field Foundation (which began the internship idea in 1963), Carnegie Corporation of New York, the Ford Foundation, the Rockefeller Brothers Fund, Alfred P. Sloan Foundation, and the Fleischmann Foundation and the scores of other individuals and corporations contributing through the NAACP Legal Defense and Educational Fund. The LDF estimates that approximately $2.9 million of this amount was spent on its southern program. The national programs of the Law Students Civil Rights Research Council have been supported by 38 foundations and more than 15,000 individuals who have contributed more than $1.6 million since 1969. LSCRRC estimates about $650,000 of this amount has been spent on programs in the South.

At the heart of the Carnegie Corporation and Ford Foundation supported programs were grants for The Earl Warren Legal Training Program, a new entity affiliated with the Legal Defense Fund to provide scholarships for black law students attending southern law schools over the period 1969-75. These grants made available scholarships where few had previously existed.

To awaken interest in law schools among southern black students and to spur the law schools' efforts, a series of Carnegie Corporation grants was made to LSCRRC to set up a southern office and develop recruiting programs at southern schools. LSCRRC was a child of the civil rights movement of the 1960's. It was set up in 1963, largely in an effort to provide research assistance by white liberal northern law students to civil rights practitioners trying cases in the South. In addition to its school-year research function, LSCRRC developed an internship program in which law students were placed with practitioners in summer jobs. In 1969 LSCRRC had active chapters on many northern law school campuses, but had done little organizing in the South. The organization had already proved to be a useful vehicle whereby students could bridge part of the gap between law school and civil rights practice. The LSCRRC grants were designed to develop a recruiting network, through which black and white students went to undergraduate campuses to recruit black applicants. The grants also provided indirect support for the expansion of the LSCRRC summer internship program in

the South by giving the organization an administrative base in Atlanta and a better opportunity to organize at southern law schools.

The Carnegie program also focused upon the experiences of students while in law school. In 1972 a two-year $20,000 grant was made to LSCRRC to set up a series of retention-tutorial programs for black law students needing academic assistance and counseling.

In 1972, the retention problem was also attacked via a $100,000 grant to LSCRRC to provide stipends and scholarships for black law students participating in the LSCRRC southern summer internships in 1973 and 1974. This idea had its origin in a small grant from the Norman Fund in 1969. Participation in the summer program was seen not only as a stimulating introduction to civil rights law, but as a useful program for developing and sharpening the legal skills and confidence that the students needed to complete law school successfully.

The final component of the program was aimed at the black law school graduate. This was done through a series of grants to the Legal Defense Fund's Earl Warren program to increase the number of its post-graduate fellowships to approximately eight per year. Though the number of fellows was small when compared to the numbers receiving law school scholarships, the post-graduate fellowships were a very important part of the overall program. The fellowship program trained graduates as skilled civil rights practitioners and enabled them to establish a southern practice.

Thus the series of foundation grants was aimed at all phases of the education and training of black southern lawyers: recruiting, scholarships, retention, summer internships and post-graduate fellowships and law practice.

Any evaluation of these efforts must be tentative, because the programs are very new. Most of the scholarship students are still in school, and most of the post-graduate fellows are still in training or have just begun practice. Nonetheless, a number of dramatic results have already been achieved.

The number of first-year black law students at 17 predominantly white southern law schools has increased from 22 to about 171. Many of the black students entering law school in 1969 and 1970 are now in practice in the South. The size of the black bar in Mississippi has more than quadrupled, and is up sharply in other southern states. Most of the current Warren scholars intend to practice in the South when they graduate. Most southern schools are now very actively engaged in black recruiting, and many have taken over its financing and are beginning to

develop their own funding sources for black scholarships. With the increase in black students has come a law school search for black faculty. Virginia, South Carolina, North Carolina, Florida State, Louisiana State, and Alabama now have new black law school professors.

The interrelationships among the programs make separate evaluations somewhat difficult, but each program has been an important part of the overall effort.

Earl Warren Legal Training Program: Scholarship Grants

The Ford and Carnegie scholarship grants to the Warren program have been of critical assistance in increasing the number of black attorneys in the South. By the end of June, 1972, the program had produced 127 law school graduates. Fifty of the 127 (12 in 1971 and 38 in 1972) were students who received Ford or Carnegie funding. In 1973, the Warren program had 102 *additional* graduates, almost doubling the previous cumulative output in the program's existence. Of the 102 new 1973 graduates, 74 were financed by grant funds from Ford or Carnegie. The high level of output of black law school graduates will continue over the next two years since there were in the fall of 1973 approximately 375 black students enrolled in the predominantly white schools covered in this report. In addition to the 74 students who graduated in the spring of 1973, 197 first- and second-year law students were receiving Ford and Carnegie grants through the program last year, and most of these will graduate in the spring of 1974 and the spring of 1975.

In 1972 a questionnaire was sent to the 127 graduates of the program, inquiring about their present location, bar membership and practice. Of 117 respondents, 66 were working in the South. Eighty-two of the 117 were members of state bars and 12 were awaiting bar examination results. These figures indicate substantial success by Warren program graduates on bar examinations at a time when the failure rate among all black students taking bar examinations has been high in several southern states. Serious questions have been raised about the fairness of bar examinations in at least four southern states where the examiners have been taken to court. In one state in 1972, all 40 black graduates who took the exam failed it, including a few graduates of the Harvard and Columbia law schools.

The students bringing the law suits seek changes in the exams themselves, raising the question as to whether it is a proper test of skills needed to perform as a lawyer to be able to pass an essay-type, timed, closed book exam. They challenge the procedures which require a photograph with their applications and deny the right of unsuccessful appli-

cants to review their examinations either with or without the examiner and to compare their answers with those of successful applicants or with a model answer. They question the standards of grading, their right to review model answers from past examinations in order to become familiar with what is expected, the requirement that they must retake the entire exam each time, not simply those sections they fail. They point out that in many southern states no black attorney has ever been selected to serve as a state bar examiner.

In the next several years, there will be a very substantial increase in the number of Earl Warren graduates practicing in the South. In the spring of 1973 a questionnaire was sent to all students then receiving law scholarships through the Warren program (including those attending northern law schools). Of 210 responses, 171 students indicated that they intended to practice in the South.

Many of the Warren graduates are now actively engaged in civil rights practice and are exercising strong leadership in their communities. The impact has been especially dramatic in Mississippi, which had three black lawyers in practice in 1965 and 49 by June 1973. Sixteen of the new lawyers are products of the Warren program and graduates of the University of Mississippi law school. In the course of this study I interviewed three of the recent graduates at some length.

Clell Ward is in partnership with his black law school classmate Eugene McLemore in Greenville, where the two have a general practice. McLemore is deeply involved in criminal work, while Ward's practice is civil oriented. Clell has tried a number of Title VII employment discrimination cases, in one of which the opposing counsel was John Connally's law firm. He has also litigated several teacher dismissals. (He was supported in this financially by the DuShane Fund, the legal defense arm of the National Education Association.) The firm is also becoming increasingly involved in personal injury litigation.

Clell told me his reception by different elements of the white Greenville bar had been highly amusing. On the whole, the bench and the bar had been friendly. The most friendly were the corporate defense lawyers, because they could count on Clell's suing their clients and therefore raising their fees. In one employment discrimination case, Clell thought the case was ended when he and opposing white attorney had agreed on essential settlement terms—but the white attorney then insisted he would like to take "just a few more depositions" to justify a larger bill to his corporate client.

Both Clell and his partner have been involved in Greenville politics. They recently helped elect Charles Taylor as constable, the first black local official since Reconstruction. Clell said the local Republicans were much warmer to his firm than local white Democrats. The Republicans urged Gene McLemore to run for City Council, offering to pay for his campaign and to have white female Republican volunteers pass out handbills. Both partners are deeply interested in politics, but are temporarily foregoing running for office themselves until the firm is better established.

Reuben Anderson practices in Jackson with Anderson, Banks, Nichols and Leventhal, who are cooperating attorneys with the NAACP Legal Defense Fund. After law school he was an Earl Warren post-graduate fellow. The firm specializes in civil rights litigation. Its recent cases include *Norwood v. Harrison* in which the U.S. Supreme Court held unconstitutional a state plan to distribute public school textbooks to students in private segregated schools; and *Coleman v. Humphreys County Memorial Hospital*, a successful fair employment suit. When I talked with Reuben he had just returned from a hearing on a suit in Gulfport. The suit began because he and several friends had gone there on a weekend golf trip, only to find that a golf club would not let them play because they were black—so Reuben filed suit.

Aside from civil rights litigation, the firm has a general practice and does substantial amounts of criminal defense and domestic relations work. Reuben agreed with Clell Ward that the white corporate practitioners were happy with the black attorneys' emergence in the state because they produced so much new business by suing white corporations. The marginal white practitioners were more apprehensive over the growing number of black lawyers. Most black legal business still goes to solo white practitioners, many of whom fear that black attorneys will take away their black clients. Reuben noted a few signs that the white Mississippi bar was becoming more progressive; one of the large white corporate firms in Jackson had hired its first black attorney (a Mississippi native who just graduated from Harvard Law School).

Connie Slaughter is now practicing alone in Forest, Mississippi, after working in Jackson for the Lawyers' Committee for Civil Rights under Law. She told me the concentration of black lawyers in Jackson had had some unhappy results; some were fee cutting on each other to stay in business. When she left Jackson several black attorneys gave her flowers and gratefully told her, "It's a wise, wise move, Connie." In

Forest, Connie has been building up a general practice, and is engaged in criminal, divorce and juvenile litigation as well as civil rights work. She remarked that a number of local white lawyers worried over her arrival; however, all have treated her with great respect because they have black clients they do not want to offend. Connie said she has picked up a number of poor white clients because she is the only lawyer willing to go regularly to the jail to see criminal defendants. In addition to her practice, Ms. Slaughter has been involved in various political campaigns, and helped elect the mayor of Bolton, Mississippi's second black mayor. She is now launching a law advocacy program in which laymen will be trained to educate poor people about their legal rights. This program has already attracted substantial local support and financial backing from several churches and smaller foundations.

The following examples are illustrative of activities of other Warren graduates: Ralph Gingles (a 1971 University of Virginia graduate) is serving on the Gaston County, N. C. Board of Elections, where he is in private practice; George West (a 1968 Mississippi graduate) is Democratic County Chairman (Loyal Democrats) in Natchez, Mississippi and practices law there; James Winstead (a former LDF post-graduate intern) is running a voter registration project in Chesapeake, Virginia, and practicing in Norfolk; Perlesta Hollingsworth, an Arkansas graduate, has served as legal advisor to the Governor of Arkansas and has been elected to the City Council; Roland Hayes, a 1971 graduate of North Carolina Central, is in private practice in Winston-Salem, North Carolina, where he is Chairman of the local Alcoholic Beverage Control Board, serves on the Selective Service Board and is active in a fair housing organization.

The Warren program has contributed very substantially to the desegregation of southern law schools. An overview of the increase in black enrollment in 17 predominantly white law schools is set out in the table on page 23.

One principal focus of the scholarship program was to encourage integration of student bodies at predominantly white southern law schools. However, scholarship support was also provided under the Warren program for some black students attending North Carolina Central, Southern University, Howard, and Texas Southern, the four predominantly black law schools in the South. During the years 1969-73 all four of these schools have grown sharply in size and all four are now integrated.

The statistics alone do not prove the importance of the Warren program, but in many cases its scholarship aid has clearly been critical. Virginia is an interesting example. Before 1969, the school had only a

Black Students Enrolled in 17 Predominantly White Law Schools 1968-1973

	First-Year Black Students						*Total Black Enrollment*	*Total Student Body*	*Percentage of Black Students*
	1968	1969	1970	1971	1972	1973	Fall 1973		
Alabama	0	8	2	8	4	3	10	500	2
Arkansas (includes Little Rock and Fayetteville)	NDA	4*	5*	5*	20*	13	38	639	5.95
Duke	0	3	4	7	8	13	24	467	5.14
Emory	NDA	NDA	NDA	NDA	9*	17	27	627	4.33
Florida	NDA	NDA	2*	19	14	16	35	1006	3.48
Florida State	7	9	10	9	12	11	32	499	6.41
Georgia	0	3	4	8	4	9	14	658	2.13
Kentucky	3	6	12	10	2	8	18	502	3.59
LSU	1	0	1	7	1	6	15	943	1.59
Mississippi	4	10	11	18	7	6	12	667	1.80
North Carolina	0	2	5	5	10	14	23	696	3.30
South Carolina	NDA	NDA	3*	14*	13*	16	26	879	2.96
Tennessee	NDA	3	3	1	5	5	11	690	1.59
Texas	3	13	5*	3*	5*	7	11	1623	0.68
Tulane	1	2	3	8	5	3	14	574	2.44
Vanderbilt	NDA	NDA	5*	5*	13*	15	33	485	6.80
Virginia	3	13	12	9	17	9	32	962	3.33
Totals	22	76	87	136	149	171	375	12,417	3.02

* Statistics with asterisks supplied by LSCRRC; all other statistics supplied by the law school administrations.

Notes: a. The figures do not include other minorities.
b. The phrase "first-year class" occasionally includes transfers and readmissions repeating their first year.
c. NDA indicates no data available.
d. All data collected in fall of each year.

handful of black students. In 1969 it enrolled 13 students, 12 on Warren scholarships. All 13 graduated in 1972, and most have begun practice in the South. Three became Earl Warren post-graduate fellows. Both students and faculty members agreed the Warren scholarships were critical in achieving the breakthrough, and the early success has carried on. The Virginia black students have been active and successful in recruiting others. One Virginia professor told me their recruiting efforts were essential in dispelling the idea that Virginia was "for white men only." The school is now thoroughly committed to active black recruitment, and under prodding from the Warren scholars it has started a scholarship fund-raising drive for black students.

The Virginia Earl Warren program has not been without problems. A number of the black students have had academic difficulties and some were academically dismissed. However, most were readmitted and later graduated; since 1968 only one has failed out of school permanently. The good retention record has been aided by a school tutorial program and a liberal readmission policy.

Although the Warren program has been very important, other factors help explain the school's successes. Its good national reputation attracts able students regardless of color. Part of the success is undoubtedly due to Dean Paulsen, who has been a staunch advocate of educating black students at the law school and building an indigenous black bar in the state. One incident last year demonstrates his commitment. When the law school faculty was discussing the possible hiring of its first black professor, some faculty members argued that he should be hired but relegated to a position of teaching only clinical programs so he would not be a "full faculty member." Paulsen sharply objected, stating: "Either he comes as a full brother or he doesn't come at all." The new professor came as a full brother.

Almost all the deans I interviewed indicated that the availability of Earl Warren funds was essential to their recruiting of black students. The following comments are typical:

> "The Earl Warren program and its predecessor, the Herbert Lehman Foundation, were valuable to all four of these (black) students (who graduated in June, 1973) and have over the years been the primary sources of aid to black students in this law school."
> *(University of Georgia Law School Admissions Director L. Woodrow Cone)*

"In 1968 we had no black students in our first-year class. We've gradually built that up and there were 10 in the first-year class of 1972. The Warren program has been crucial to our efforts because we have little aid money, and generous scholarships are available at northern schools."

(UNC Law School Admissions Director Morris Gelblum)

The importance of the Warren program to southern law schools is well illustrated by the experience of one South Carolina professor who was trying to persuade a talented black undergraduate to attend South Carolina's law school. The student listened quietly, and then replied: "I have a scholarship to Cornell and Rutgers in Newark, what can you do for me?" Without the Warren program the answer for most southern law schools is, "very little." Several southern schools still have less than $10,000 a year of scholarship aid available to divide among *all* their law students. One southern dean told me his school was spending 33 percent of all school scholarship funds on 10 black students.

The phenomenon of student attrition merits very careful attention. Before this evaluation was begun no serious, systematic effort had been made to determine the extent and causes of attrition among students in the Warren program. This fall a very substantial amount of information was compiled by using the student folders in the Warren program offices and by telephoning individual law school and black practitioners in the South. A brief summary of the principal findings is set out below.

	Number of students receiving Ford or Carnegie grants through Earl Warren Program	Number students who were dismissed from law school or had withdrawn from during or by end of academic year
1969-70	51	16
1970-71	116	16
1971-72	214	43
1972-73	271	30

The attrition rate ranged roughly from 10 percent to 30 percent in the four-year period. This rate is higher than the average attrition rate for non-minority group students, which has been estimated at about 8-10 percent.

The figures indicate that, despite the gains spurred by the Warren program, black students entering southern law schools still face many serious problems. For example, at one southern state university all 17 black students entering the law school in the fall of 1972 were put on academic probation after their first semester exams. Schools have generally followed liberal readmission policies and many black students academically dismissed have returned to school, raised their grade point average and graduated. Nevertheless, the overall attrition among blacks is higher than among whites, even allowing for readmissions. Probably the most important cause of attrition has been the educational backgrounds of most black students entering southern law schools in the late 60's and early 70's. Despite the Supreme Court's decision in *Brown v. Board of Education* in 1954, most of these students received their primary and secondary schooling in all-black schools that were separate, underfunded and unequal.

The handicap of a weak educational background has been compounded by severe psychological pressures. For many black law students, law school is the first time in seventeen years of schooling that they have ever sat in classes with whites. The sudden transition to the white environment is often traumatic.

In a few instances black students have argued that white professors were out to get them, and deliberately gave them bad grades, or insulted them irrespective of the quality of their work. At one deep South school last year a professor returned a black student's exam paper with an "F" and a notation in the margin, "Try basketball."

Only a few black students in southern law schools have reported that professors discriminate against them deliberately on racial grounds. The problems are usually more subtle. The reactions of white students and faculty are sometimes perceived by blacks as threatening or demeaning even when they are not deliberately racist. As one black law student remarked:

> "Some of the professors just don't know what to make of us, and that can make you feel isolated. One professor here just never calls on black students in class. I think he quit because he called on a black student near the first of the year, and the student wasn't prepared. I guess the professor got nervous that we thought he was picking on blacks—so after that he didn't call on any of us. Being ignored like that makes me feel nervous. I think I ought to be called on just like anybody else. If I haven't done the reading that day, I can say I'm unprepared, just like the white students do."

While the total number of black law students has increased since 1969, they still represent about 3 percent of the total number of students enrolled in the predominantly white law schools mentioned in this report. None of the predominantly white schools has a proportion of black students higher than 7 percent of its student body.

However, the Warren program attrition is not so serious as the figures alone suggest. The highest percentage of attrition was in 1969-70 when all the grantees were *first-year* students. Furthermore, our study revealed that *at least* 14 of the 105 attrition students were back in law school or had returned to and *graduated* from law school by 1973. (Some former students have not yet been located, so the real readmission rate could be even higher.) A number of attrition students were temporarily employed but were reapplying to law school. The study also showed that the attrition students had substantially lower LSAT scores than those remaining in school, and that the most frequent cause for attrition was academic dismissal.

The readmission phenomenon means that the drop-out problem can only be accurately analyzed over a long time span. The real possibility of attrition also underscores the importance of the scholarships because potential black applicants know that they may end up without a law degree but with very heavy debts. I talked with one black Mississippi law student who told me he was over $5,000 in debt from education loans even though he had a Warren scholarship. I asked whether the large debt worried him. He replied: "Not until you get your first F."

Other future problems may stem from *DeFunis v. Odegaard*, a case recently argued in the United States Supreme Court. There a white applicant is suing Washington University Law School on the grounds that he was denied admission when black students with lower "predicted grade averages" were admitted. The Washington State Supreme Court ruled in favor of the school, holding that its admission practices were justified as an effort to reduce racial imbalance and help alleviate the nationwide shortage of black attorneys. Conceivably, a decision against the law school in *DeFunis* could slow or end the recent rise in the number of black law students nationwide.

The Court decision is unpredictable, but it seems to involve difficult complex issues. For example, how reliable are "predicted grade point averages" (based on Law School Admissions Tests and undergraduate grades) as an indicator of future success in law school and service as a member of the bar. Although some research indicates the LSAT scores help to predict law school performance, other less quantifiable factors,

such as motivation and hard work may be just as important. Certainly many recent black graduates of southern law schools—many of whom are now in successful practice where their skills are badly needed—have performed much better as students and as lawyers than could have been predicted from their LSAT scores.

The case also raises questions about whether a law school may properly alter traditional admissions certain to eliminate racial imbalance and to provide attorneys for minority groups who need legal services.

Despite these complicated issues, it appears unlikely that *DeFunis* will significantly affect the legal requirements controlling the admission of black law students to southern law schools. The case may well be decided on technical issues with no consideration of the merits of law school admissions policies. The plaintiff, Marco DeFunis, was admitted to law school in 1971 under a lower court order, and he may well graduate before his case is decided. If so, the Supreme Court could decide that the controversy is moot.

Even a decision on the merits in *DeFunis* might well not apply to southern schools. In *DeFunis* there was no showing of a history of purposeful exclusion of blacks from educational opportunities, a practice which existed in the South until the 1960's. The Supreme Court might determine that different admissions standards are appropriate when there has been a history of excluding blacks from integrated higher education.

Perhaps a more important pitfall lies not in *DeFunis*, but in what southern educators and public officials may perceive *DeFunis* to mean. The case itself may well be decided on technical or narrow grounds that have no precedential importance for southern law school admissions policies. Nonetheless, the fact that *DeFunis* is being litigated could encourage a "go slow" attitude on black admissions among state legislators or law school deans. *DeFunis* could furnish an excuse to cut back black recruiting efforts, particularly in areas where whites have traditionally controlled the legal process and legal education for blacks is a new phenomenon. Such an overreaction would be most unfortunate. Progress in producing black lawyers to meet the South's needs has scarcely begun, and there is yet a long road to travel.

The Earl Warren Post-Graduate Fellowships

The Earl Warren post-graduate fellowship program runs for four years for each fellow. In the first year a fellow is trained under the supervision of staff members of the Legal Defense Fund (LDF); for

the three subsequent years, fellows receive diminishing subsidies from the LDF while they establish their practice in the South. (The subsidies represent fees in return for civil rights litigation work.) The first year of training costs approximately $18,000 per fellow including fellows' salaries, secretarial expenses and travel.

For the first year of the fellowship program graduates are placed either in the LDF New York office or in the offices of an LDF cooperating attorney in the South. For almost all the fellows substantial amounts of time are spent both in New York and in the field. Most fellows take a state bar examination in the summer of this first year.

The precise nature of the training year has varied from student to student and from year to year. For 1973-74 the program is basically as follows: During the first few weeks a series of seminars is held to acquaint the fellows with the overall operations and organization of LDF. Lectures are given by the head attorneys of the different substantive areas that make up the LDF litigation program. Each fellow is then assigned to one LDF New York attorney; the New York attorney serves as the chief supervisor of the fellow if he is training in New York and as a New York contact for fellows training in the offices of cooperating attorneys. Responsibility for the overall coordination of the training now rests with LDF attorney John Butler. Butler attempts to see that fellows receive (a) a thorough training in federal practice and procedure and (b) a solid introduction to the basic areas in which LDF must frequently litigate (e.g., employment, education, housing, etc.). He also supervises rotation of the interns from one project to another, in an effort to see that the training goals are carried out. Each fellow maintains an assignment file in which his work and hours are recorded, to enable Butler and the rest of the staff to assess the training and experiences each fellow receives. Generally, fellows are trained by performing, under supervision, the basic tasks of a civil rights attorney, from initial client interviewing and research through the writing of appellate briefs. Twice-yearly conferences of the LDF New York staff and cooperating attorneys are held at Airlie House in Virginia. These conferences include consideration of overall LDF litigation strategy, examination of specific substantive areas, and seminars on the business aspects of law practice, such as law office management.

After the first year, fellows go into practice and become LDF cooperating attorneys in areas where there is a shortage of black attorneys. The LDF finances the initial acquisition of a basic library and then pays a diminishing subsidy for the first three years of prac-

tice ($9,000 for the first year; $5,000 for the second, and $2,500 for the third). During these three years, the fellows continue to report to the LDF on their activities and practice, and cooperate with LDF New York attorneys in litigating particular civil rights cases in return for the fee. Frequently fellows have gone into practice with firms already established by previous LDF interns, such as Julius Chambers' firm in Charlotte, North Carolina and Reuben Anderson's in Jackson, Mississippi.

The basic statistics on the fellowship program are extremely impressive. Since 1970, there have been 39 first-year fellows. Twelve of these are in the first year of the program in 1973-74. Of the other 27, all but two are currently in practice or holding judgeships in the South in states or localities where there is a shortage of black attorneys. All but one of the 27 fellows are members of state bars.

The fellows' record on bar examinations has been good. Only three fellows have failed bar examinations. In two of these cases racial discrimination was suspected because both fellows were able students, and Legal Defense Fund litigation has been started against the examiners.

Thus the program has been extremely successful in its basic purpose of getting black lawyers into active practice in the South. Without the fellowships many would have likely chosen other careers. For example, Sanford Bishop (a 1971 fellow) originally planned to practice in Atlanta, but the LDF guided him into practice in Columbus, Georgia where there was only one black attorney when he arrived. The fellowships have been particularly influential in attracting black students attending northern law schools to the South for practice. Former fellow director Drew Days cited the experience of one student who graduated from Columbia and was considering staying in New York. According to Days, "We convinced him to go home, and he's now practicing in the South." Fellows who attended northern law schools but are now practicing in the South include Mel Watt (Yale, Charlotte); Isaac Joe (Columbia, Greenville, S. C.); Theodore Lawyer (Columbia, Mississippi); Elijah Noel (Pennsylvania, Memphis); and Norbert Simmons (Boston University, New Orleans).

According to Mel Watt (a 1970 fellow), the program is important and successful in establishing black attorneys in practice for three basic reasons. First, it makes southern practice financially feasible. Without the fees for civil rights litigation, many of the fellows would find it impossible to stay afloat financially for the first year of practice. The fees help provide a "breathing spell" during which the fellow can build up a practice that will provide adequate income while compensat-

ing him for time-consuming civil rights litigation he could not otherwise afford to take. Watt's explanation of the importance of the fees was borne out by Sandy Bishop, who started practice in Columbus in the fall of 1972, where he is one of only three black lawyers. Bishop explained:

> "From September 1 to January 1 we were only able to generate $1,500; in the second quarter, $5,300; in the third quarter we are hoping for $8,400. The income subsidy is the only way to pay the rent and eat while your cases in the firm are developing."

According to Watt, the program is also essential to developing basic legal skills and self-confidence, two ingredients which are as important as assured basic income to a beginning practitioner. Certainly many of the interns receive excellent training. As Sanford Bishop noted:

> "I argued before a U. S. Court of Appeals within six months of graduating from law school. I'm sure that none of my other law school classmates did that sort of thing and I felt very well-prepared to start my practice."

In addition to the basic legal skills such as oral advocacy and brief writing, the LDF program has assisted many fellows in learning the business aspects of practice such as law office management. This training is important. As Drew Days pointed out: "After all, law firms are small businesses, and most small businesses fail." For the last two years, law office management techniques have received increasing emphasis at Airlie House conferences.

In addition to increasing the number of black attorneys practicing in the South, the fellowship program has produced skilled civil rights attorneys who can push forward the LDF litigation agenda in such areas as education, equal employment and housing, and the LDF staff supervises the field attorneys carefully to assure the overall quality of their work.

A sampling of some of the major civil rights legal work of Carnegie-funded fellows now in practice includes:

> Hilry Huckaby: (Shreveport, Louisiana); school desegregation, fair housing, and Title VII fair employment litigation
>
> Sanford Bishop: (Columbus, Georgia); class action suit on behalf of black prisoners at Reidsville, Georgia State prison, challenging

racially segregated prison conditions, inhuman living conditions, illegal mail censorship and deprivation of right to counsel

Booker Stephens: (Charleston, West Virginia); Title VII fair employment and criminal cases

Mel Watt: (Charlotte, N. C.); school desegregation; Title VII fair employment, organization of numerous black businesses and minority economic development corporations

David Coar: (Birmingham, Alabama); consumer fraud; Title VII fair employment; jury discrimination

Isaac Joe and John Bishop: (Greenville, S. C.) fair employment suits against major South Carolina textile concerns

The fellowship program has also contributed to southern black political and community leadership: Algernon J. Cooper, Jr. is now serving as mayor of Prichard, Alabama. Julius Chambers has recently been elected as a member of the North Carolina Board of Governors, which sets policy for and governs the entire system of publicly supported higher education in North Carolina. Cooper and Chambers participated in the fellowship program before the 1969 funding began. However, it appears likely that the trend will continue among more recent fellows. Robert Anderson (a 1970 fellow) has just been appointed to a municipal judgeship in Houston. Richard Mays is serving in the Arkansas state legislature. Shortly after he began practice in Columbus last year, Sanford Bishop was appointed to the Governor's Commission on Drug Abuse, and he has already received much encouragement to run for public office. He is also a Mason, a Shriner, and active in the Metro-Columbus Business League and the local Community Relations Commission. James Winstead (a 1972 fellow) worked with a Black Broadcasting Coalition in Richmond, helping it file petitions against 17 Richmond area radio and television stations; he is now practicing in Norfolk and is organizing a voter registration project in the Chesapeake-Portsmouth area. Nausead Stewart (a 1971 fellow) now practicing in Jackson, Mississippi, is active with the state ACLU and chairs a local Headstart program. Ural Adams, who has recently established the firm of Peete and Adams in Memphis, has become active in local Democratic politics. Mel Watt, a 1970 intern, now in Charlotte serves as a director of several minority economic development corporations.

The Warren post-graduate program has had some problems in training and placement of fellows but its staff has begun efforts to correct them. The training of the fellows has been uneven. Although many have received very good training and supervision, several fellows in the

1972 class complained that they received no clear case assignments for the first several months. One completed his fellowship year without writing a brief.

The unevenness in training appears to result from a lack of any one person spending all his time administering the program and supervising the fellows. In previous years, the principal administrator of the fellowship program has been a staff attorney who also had substantial litigation responsibilities. These litigation responsibilities have diverted the administrator's attention from the training aspects of the internship program.

The administration-supervision problem seems to have improved somewhat in 1973-74. John Butler has fellows assigned to specific staff attorneys; he has developed an outline model training program; and he is devoting most of his time to administering the program.

Some legitimate criticism can be made about the placement of fellows after their first year's training. A number of post-1970 fellows are practicing in Southern cities with relatively large firms staffed by other former fellows, rather than in rural areas or smaller cities where black attorneys are more scarce.

There are some arguments in favor of a degree of concentration in large firms. Larger firms are more viable economically. Historically most black practitioners have practiced alone, and many commentators have suggested that such solo practice is both a symptom and cause of relatively low income. Aside from economics, a firm of some size is necessary to handle a sophisticated and varied practice. It is very difficult for a one- or two-man firm to take on a competent 30-man white firm in litigating a complicated employment discrimination case.

Despite these considerations, there appear to be overriding reasons why the Warren program should make every possible effort to channel future fellows away from firms dominated by former fellows and into locations where there are few or no black lawyers. Black attorneys are needed most in three settings: the smaller cities, a few large urban areas like Dallas-Fort Worth, and the rural South. Even if large firms are economically desirable, firms such as Anderson's and Chambers' now have a large recruitment base with the increasing number of black school graduates. The LDF is aware of the placement problem and is making substantial efforts to alleviate it. Almost all of the 1973-74 fellows now plan to practice where there are few black attorneys.

The fellowship program was started in 1963 with a grant from the Field Foundation. From 1963 through 1969, 23 fellows were trained,

an average of slightly more than two per year. The Carnegie grants to first-year fellows in 1969 have made possible a very substantial expansion; counting this year's fellows, there have been 39 fellows since 1970. In recent years, the program has been supported by grants from the Field Foundation and the Rockefeller Brothers Fund as well as Carnegie. For 1973 there are twelve first-year fellows; eight supported by Carnegie, three by Field and one by individual donors. Rockefeller Brothers Fund provided stipend payments for the first two classes (1970 and 1971) of Carnegie post-graduate fellows once the fellows were set up in practice and eligible for the diminishing subsidy. Private funds have been difficult to raise, and the interns are now being supported on general LDF funds, which is a serious and unexpected financial drain. It is not now clear how the 1973 fellows will be supported in their subsequent years.

Law Students Civil Rights Research Council

Grants and individual contributions to LSCRRC during the period 1969-73 total more than $1.6 million, a major portion of which went to the South. The southern grants were made to assist LSCRRC in recruiting black law students, running tutorial programs and for the 1973-74 LSCRRC summer internships.

Since the inception of LSCRRC in 1963, its principal program has been a summer internship in which law students have been placed with civil rights and legal services organizations, law firms and individual attorneys in a ten-week summer program. LSCRRC places interns in all areas of the country, but Carnegie's support has been directed at the southern program. Before the Carnegie grant LSCRRC's small stipends posed a difficult problem in recruiting black interns. Most black law students are hard-pressed financially and need to work during summers to pay school year expenses. However, the LSCRRC program paid only a $500 stipend which made it very difficult for blacks to accept internships. The Carnegie grant was designed to increase the number of black LSCRRC summer interns by providing funds for the usual $500 stipend and an extra $500 scholarship. (The same scholarship approach had been used successfully by LSCRRC on a small scale in the summer of 1972 with the assistance of a $15,000 grant from the Norman Foundation.) It was also hoped that the Carnegie grant would assist black law students in developing their legal skills during the summer internship, and that these summer experiences would thus help students in their law school studies.

The internship grant has had some success in accomplishing its aims. The number of black law students participating in the southern summer program increased from 72 to 79. The number of black interns from southern law schools rose from 54 to 62. (However, without Carnegie funds, it is doubtful the previous levels could have been maintained.)

The summer internship program placed in the South more than 481 students of both races (approximately 50 percent of them black).

Most students participating improved their legal skills by performing the tasks of lawyers. A rough picture of the skills-building aspect of the program can be gleaned from the following excerpts taken from reports given LSCRRC by the 1973 interns:

> ". . . the LSCRRC internship also allowed me the opportunity to apply legal writing skills learned during my first year of law school. This was accomplished in the form of memoranda on various topics to the staff attorneys and a memorandum in support of a motion to dissolve a writ . . . Additionally, I had the opportunity to write adoption petitions."
>
> *(Intern Ulysses Thibodeaux, Earl Warren Scholarship recipient at Tulane Law School, placed with New Orleans Legal Assistance Cooperation)*
>
> * * * * *
>
> "I worked in prisoners' rights, civil liberties, and racial and sex discrimination. I researched authority for practitioners—and also worked on evidentiary problems. I wrote appellate briefs and memoranda on narcotics cases."
>
> *(Sidney Verbal, Earl Warren Scholarship recipient at UNC Law School, placed with Julius Chambers, Charlotte, North Carolina)*
>
> * * * * *
>
> "My basic role has been research and investigation with a view toward preparing suits and defenses to various actions. This research includes title searches and library research . . . the organization with which I am assigned is the Emergency Land Fund. Its principal function is to provide legal assistance and information for indigent blacks who are in danger of losing their land holdings to powerful local land manipulators."
>
> *(John W. England, University of Alabama Law School, Earl Warren Scholarship recipient, placed with Emergency Land Fund, directed by Mike Figures)*

My own interviews with individual interns also indicated that the summer had been an important skills and confidence building experience. Henry Brown, a black student at North Carolina Central, spent the summer with Julius Chambers' firm. When I talked with him in August, just before school started, he said: "I can do legal research much more quickly now because I really know where the sources are and how to find them. Before this summer, I guess I could define an interrogatory because I took civil procedure, but now I know how to draft one and answer one."

Interestingly, the importance of the summer internship was also stressed by several black students who did *not* participate in it. Stephanie Valentine, an Earl Warren grantee at the University of Virginia law school, told me:

> "It's awfully hard to compete with people whose fathers are lawyers and who have grown up in the courthouse . . . but it's easier for students who spend a summer working in the LSCRRC program. I wasn't in it, and when the LSCRRC students came back to school last fall, they could see things in cases we talked about in class that I just didn't understand, things that I missed."

Another result of the summer program was to give some interns an increased desire to complete law school and to become practicing attorneys. For many black students this is particularly important. Many black students decide to go to law school to acquire skills they can use in bringing about social change. But for many black (and white) students the dry, rigorous, analytical approach in first-year courses seems far removed from causing social change. For some students the summer experience renewed their faith that the law school struggle is worth it. As Evelyn Bracey (an Earl Warren grantee at Duke) told me after working for Julius Chambers' firm, "I *hate* law school, but the summer reassured me it's worthwhile." Other students echoed the same theme.

The program also encouraged black students attending northern law schools to return home to practice. A number of black Mississippi students now studying at Rutgers came home for a LSCRRC summer and worked with recent black graduates of Mississippi in the North Mississippi Rural Legal Services Program in Greenwood. One of these students, Beverly Druitt, said that after the summer, "I plan to come to Mississippi to practice." Several others in the Rutgers-Greenwood contingent expressed the same sentiment.

Although it was not Carnegie's principal aim in funding the program, the grant assisted LSCRRC in supplying badly needed manpower to the public interest and civil rights firms and agencies where the interns are placed. Almost all the interns reported that they had assisted firms and agencies in clearing up heavy backlogs of cases. In the case of new black practitioners just beginning their practice, such help was especially important. George Henderson, a Vanderbilt law student, spent his summer with the new firm of Bishop and Hudlin in Columbus, Georgia and reported:

> "My presence has seemingly been a relief to both attorneys. I am able to do research in a few days that would normally take them much longer to do because of the abundant number of cases they are handling. I am helping both to expand their workload and to catch up on a backlog of work."

It is difficult to evaluate the long-term impact of the internship on career choice because LSCRRC has made little effort to keep track of its previous interns. The organization has no address list of those who have participated in the programs run in previous summers. Several years ago the Ford Foundation made an extensive effort to assess the program's impact by sending questionnaires to former interns. Four hundred and fifty questionnaires were mailed and 100 responses received. (Probably the return rate was so low because many addresses were not current.) Of the 100 responses, 90 percent expressed mild to enthusiastic approval of the program and 75 percent of the 90 percent indicated that LSCRRC had been an important influence on their career choice.

Many of the responses to a LSCRRC 1973 questionnaire to current interns also showed that the experience encouraged career choices of public interest or civil rights law.

Although LSCRRC has no complete list of its former interns and the jobs they now hold, large numbers of them are now in public interest practice. Former interns include: Clell Ward, a black graduate of Mississippi now practicing civil rights law in Greenville, Mississippi; Mike Figures, a black graduate of Alabama now running the Emergency Land Fund in Selma, Alabama; Ural Adams, a participant in the Warren post-graduate internship program who now practices civil rights law with Peete and Adams in Memphis; Lewis Myers, a black graduate of Mississippi now helping to run the legal services program in Mississippi; Nausead Stewart, a black graduate of Mississippi now practicing

civil rights law with Reuben Anderson's firm in Jackson; Connie Slaughter another black graduate of Mississippi now practicing alone in Forest, Mississippi; James Winstead, a black graduate of Virginia who participated in the Warren post-graduate program and is practicing in Norfolk; all the partners in the firm of Cotton, Jones and Fazande in New Orleans who are cooperating attorneys with the Legal Defense Fund; and Phillip Hirschkop, who practices in Alexandria, Virginia and is deeply involved in prison reform litigation.

A major question for LSCRRC concerns its future selection of placements for interns. Student applications have always greatly exceeded the number of interns selected, and as the number of black students in law schools increases, this trend is likely to continue. One new placement source is the increasing number of black practitioners in the South, many of whom were themselves LSCRRC interns. Other possible sources are state and local government agencies. Aside from legal services agencies, few LSCRRC interns have been placed with governments in the past. (A few were placed with the Atlanta city government last summer.) Now a number of state and local governments are showing an increased interest in hiring black lawyers and law students. Most southern state attorneys general offices have some black attorneys. The increasing number of black officeholders in the South, which has risen from 75 in 1965 to over 1,800 in 1973, could also facilitate such placements.

LSCRRC has also used its Carnegie-funded Atlanta office to encourage recruiting of black law students for southern law schools and tutorial programs within individual schools. The recruiting program revolved around small grants of several hundred dollars from LSCRRC to school chapters and affiliates to defray recruitment travel and mailing expenses. From 1969 to 1973 eight to seventeen programs were funded each year. Programs were run at Alabama, Arkansas, Duke, Emory, Florida, Georgia, Kentucky, Loyola, LSU, Miami, Mississippi, North Carolina, South Carolina, Texas, Tulane, Vanderbilt, and West Virginia. The main thrust of the programs was to send black law students back to undergraduate campuses to inform students about law school opportunities, scholarships and admissions. Often the recruiters' principal task was to convince black students that the law could be used as an agent of social change rather than as an instrument of repression. LSCRRC's Atlanta office also developed recruiting packets, containing information on LSAT tests, scholarships and facts about individual schools. In 1972-73 more than 3,000 were distributed by individual student recruiters and by direct mail to undergraduate campuses. In the

last two years, LSCRRC has increasingly centered its efforts on major recruitment conferences where black undergraduate students are hosted at law schools for a weekend of seminars, speeches, mock classes and mock trials. Last year these were run at Alabama, Emory and Tulane.

An overview of the recruiting program is given by the comparative statistics from 1970 to 1972. At schools where LSCRRC programs were run the organization reported that black applications increased from 396 to 768, acceptances from 142 to 265, and first-year black students from 89 to 197.

The precise impact of the LSCRRC recruiting is difficult to measure because so many other forces were at work encouraging black students to attend law schools. Available scholarship aid from the Warren program was especially important. Nonetheless, many deans and faculty members felt the LSCRRC efforts were very helpful. One indication of the program's success is the southern law schools' willingness to fund student recruiting programs that LSCRRC initiated. This has now occurred at UNC, Texas, Virginia, Florida, Arkansas, Alabama, Tulane and Vanderbilt. Indigenous law school support for black recruiting is almost certain to continue because black students have formed active and respected lobbies within the institutions. (At Texas and Virginia Warren scholars were law school student body presidents in 1973.) This fall the Alabama law school administration set up its own minority recruitment office, which is headed by George Jones, the former LSCRRC chapter chairman and an Earl Warren grantee who graduated from the law school in the spring of 1973. At North Carolina the student bar association funded a major recruitment conference in 1972 with ABA financial assistance and LSCRRC technical support.

In the spring of 1973 LSCRRC began a Carnegie-funded retention program designed to provide academic and counseling assistance to black law students during the school year. LSCRRC solicited tutorial proposals from deans and chapters at most southern law schools and funded programs at Mississippi, Florida, Louisville, South Carolina, Vanderbilt, Emory, Georgetown, Alabama, Arkansas, Florida State, Loyola, William and Mary and Maryland. The tutorial grants to schools ranged from $240 to $400. Most of this grant money was used to pay student tutors, and some was used to purchase supplies.

The program's short history makes any evaluation tentative, but some clear successes were achieved in the first year. At William and Mary the two black students tutored both raised their grade point averages sufficiently to remain in school. Dean James Whyte remarked:

> "I am confident that the tutorial program materially assisted Misses Coles and Harden in developing an aptitude for law study and examination taking and rate the program an unqualified success."

The program was also helpful at Georgetown. There the school had already begun a tutorial program before LSCRRC became involved; LSCRRC funds provided salaries for student tutors and a student tutorial coordinator. Most of the academic tutoring was done by faculty members, with student tutors providing personal counseling and administrative assistance. The tutorial sessions focused principally on developing legal writing skills; students took numerous practice examinations which were then analyzed and criticized by faculty members. Georgetown's Assistant Dean James Oldham rated the program a "successful" one. He noted: "By that I mean that very few students who were involved in the program were in academic difficulty at the end of the year."

Reports from faculty members and students at Mississippi, South Carolina, Florida State and Emory also indicated the LSCRRC tutorials helped students raise their grade point averages.

The formats of the programs varied widely. At William and Mary first-year students served as tutors; at Georgetown, faculty members did most of the tutoring; at Florida State the tutors were second- and third-year black and white students. Some schools emphasized practice exam writing; other tutorials were designed to review material covered in substantive first year courses. LSCRRC gave schools great flexibility in designing programs to fit their perceived needs, and this highly decentralized approach seems wise.

One principal difficulty with the program is the failure of many individual schools to report adequately to LSCRRC. Most did not report on student academic standing before and after the program nor provide detail on tutorial techniques utilized. The reporting failure makes it difficult to assess the different programs' effectiveness and to compare the results of different tutorial techniques. This is particularly unfortunate, because very little systematic study has been made of tutorial programs for minority law students. In my interviews of different law schools many faculty members told me they were interested in establishing tutorial programs, but were uncertain as to the best approach. A more carefully documented account of the different LSCRRC programs could be very useful to many schools. As with the recruiting grant, LSCRRC reports to Carnegie were also inadequate.

RECOMMENDATIONS

The Scholarship Program

The need for scholarship funds for black students attending southern law schools is still great, and the Earl Warren program has not as yet been highly successful at raising money from sources other than Ford and Carnegie to support this program. However, there is a good possibility that efforts to obtain more corporate giving will bear fruit over the next several years. The program is relatively non-controversial and scholarship money should be the easiest part of the LDF program to support through corporate contributions and public appeals. However, an abrupt termination of Carnegie funding could be disastrous. I recommend that Carnegie continue to fund the scholarship program over the next several years but at a diminishing level, thereby providing time for the Warren program and the law schools to find other sources of scholarship support. Any substantial amount of new Carnegie funding probably should be channeled through the Warren program to individual schools, and from there to individual students. The Warren program could allocate funds to different schools early in the calendar year to enable them to recruit for the succeeding fall's class. Bloc allocations of this sort could be made either where a school had demonstrated good faith in trying to recruit black students (e.g. Virginia) and/or where the Warren administrators felt that bloc grants would significantly encourage school recruiting efforts. In this manner, Carnegie money could also be leveraged to spur schools to make greater efforts at black recruitment and raising their own scholarship funds. The bloc grants could be allocated to schools on the basis of school affirmative actions proposals committing the institutions to recruiting black students and raising scholarship funds to match the Carnegie-Earl Warren grants. The proposals could be evaluated and school grants allocated by the Earl Warren programs.

To the extent that individual student grants do continue under the Warren program, a number of administrative changes should be made: complete financial information should be required on initial applications and grant renewal requests; deans should be informed of the names of grant recipients and the amount of their grants; by consultation with law schools the Earl Warren program should determine the causes of attrition for students who leave school and their employment and tentative future plans. The Warren program should also make a careful study of the bar exam successes and failures of its 1973 spring graduates, which is its first large graduating class.

The Earl Warren Post-Graduate Fellowships

This is an extremely successful program which has serious financial difficulties. It should receive increased Carnegie support, with the hope that Carnegie grants could be coordinated with grants from other foundations to train a class of approximately 15 fellows per year. This is an expensive program, but the payoff is high because it puts skilled black civil rights lawyers into practice where they are badly needed. This program should be supervised by a full-time administrator-lawyer. Probably the ideal person would be an attorney with a strong interest in legal education. If necessary, a portion of a future Carnegie grant should be allocated specifically to defray part of the salary expense of such an "administrator-teacher." The Warren program should take care that large numbers of future post-graduate fellows are not permanently established with those few large firms in southern cities which are already heavily populated with former LDF interns. The programs' reporting procedure should be improved so that Carnegie and other contributing foundations are given complete information each year on the new and graduating classes of fellows, the nature of their training, the nature and location of their employment. Information should be included on employment changes, elective offices, and major litigation responsibilities of all previous fellows each year. (Such reporting would be useful not only for Carnegie, but also for Warren fund-raising efforts with the public, corporations and other foundations.)

The Law Students Civil Rights Research Council

The LSCRRC recruiting and retention programs should be carefully evaluated in June, 1974 when more information is available on their effectiveness. LSCRRC should engage in a careful, comprehensive study of the effectiveness of the various retention programs it has funded in 1973-74. Ideally such a study should be conducted under the direction of a faculty member, probably one of the new black faculty members who is involved in tutorial programs at one of the southern schools.

After 1973-74, recruiting grants to individual schools should probably be eliminated. At most schools there are now sufficient numbers of black students and school support for black students recruiting for the schools to fund their own programs. LSCRRC could and should continue to act as a technical advisor and help to organize major multi-institution recruiting conferences.

The LSCRRC summer internship has proven valuable not only in introducing students to civil rights law, but in helping minority group

students develop the legal skills they need for successful completion of law school. Carnegie support for this program should be continued.

The administrative and reporting problems of LSCRRC are unfortunate although such failures are common among student organizations whose personnel change frequently and whose financial base is shifting and uncertain. Although its summer internship program has many strengths LSCRRC will have to give more attention to administrative details if it is to continue to draw financial support to run its programs. Possibly the most useful would be for the organization to hire an administrative-executive secretary who would stay with the organization for the indefinite future. The secretary's principal function could be to assist in record keeping, the writing of reports and proposals and routine administration (e.g. mailing checks to interns). Quite possibly such assistance could be found in the form of steady volunteer assistance by someone interested in and sympathetic to civil rights and public interest causes. The NAACP Legal Defense Fund has developed ongoing relationships with such talented volunteer assistants, and the same might be done by LSCRRC. Some of the very basic administrative chores, such as the compiling of an address list of former interns, could be done by one or more of the summer interns.

Conclusion

Viewed as a whole, the early results of the foundation programs to increase the number of black southern lawyers are very encouraging.

Almost all southern law schools are now actively seeking and attracting black students. Almost all the schools are engaged in "affirmative action" efforts whereby they admit blacks where undergraduate grades and LSAT scores are not equal to those of their white classmates. Although attrition has been a serious problem in some places, schools generally have been very liberal on readmissions, and many black students academically dismissed returned to school and graduated after persistent hard work.

Most of the problems with the programs I evaluated involved administrative execution. This suggests that the Corporation staff should engage in very close, continuing consultation with the grantee organizations to help them unravel administrative difficulties and develop better reporting procedures. Such consultation and improved reporting could substantially assist LSCRRC and the Earl Warren program's administrative capacities and their ability to raise additional funds from other sources.

Part 2

SANFORD BISHOP CHOOSES COLUMBUS, GEORGIA

Hugh Stevens

SANFORD BISHOP CHOOSES COLUMBUS, GEORGIA

On opposite corners of the intersection of Second Avenue and Ninth Street in Columbus, Georgia stand two structures, each intentionally functional and unintentionally symbolic. Outwardly, the more impressive of the two is the 11-story Government Center, which houses the only consolidated city-county administration in Georgia. It is so new that the concrete still smells damp. The other, far less prepossessing, is a modest, rambling frame building that once was a notorious local "sporting house." The gold-lettered sign suspended over the door announces "Bishop and Hudlin, Attorneys at Law."

To the 170,000 residents of Muscogee County, the Government Center is a glass-and-concrete embodiment of change. Rising out of a fountain-studded plaza on the site of the late, unlamented old courthouse, the Center soars gracefully above a montage of sagging Victorian homes, colorless commercial buildings, and mighty churches.

To Sanford Bishop, 26, and his partner Richard Hudlin, 27, the white frame house opposite is the embodiment of an opportunity. For Bishop and Hudlin are both young, talented and black, and they have accepted the challenge of proving that Columbus can move into a new era as easily as it moved into a new courthouse.

Sanford Bishop is a soft-spoken, serious-minded young attorney. His oval face is fringed with a short beard that imparts to his appearance a decidedly Lincolnesque quality. But he smiles easily, especially when he talks about how he came to Columbus.

"I grew up in Mobile and went to college in Atlanta. While I was in law school at Emory I signed up for the LDF internship program. I knew they expected me to go eventually to some out-of-the-way place, but I really hoped they'd let me stay in Atlanta, or maybe Mobile."

The Legal Defense Fund indeed wanted Bishop to practice somewhere other than Atlanta or Mobile, because those cities have, relatively

speaking, large numbers of black attorneys, and the internship program is designed to place black lawyers in areas where few or none practiced previously. To accomplish this, the Fund provides talented black law graduates with an intern year, either in the LDF's New York headquarters or in cooperating black law firms. Afterward the young attorneys are put into the field supported by a three-year declining stipend, a declining allowance, and money to pay initial office expenses. In return for the stipend (which LDF calls a "fee for service") the fellowship recipients agree to assist the Fund with civil rights cases.

"While I was doing my internship in New York, Jack (Greenberg) said 'uh-uh' to Atlanta. So one day when I was flying down from New York, I thought about Columbus. I went to the Georgia archives building when I got to Atlanta and read everything I could find about Columbus. I liked what I saw. It was fairly large, it was between Atlanta and Mobile, and it seemed to be a pretty good city. Besides, I knew there was only one black lawyer there.

"When I got back to New York I said to Jack, 'What about Columbus?' He said, 'Perfect!' So here I am."

Where he is is on the bank of the Chattahoochee River, within spittin' distance of Alabama, in a flat, sprawling city known for years as the home of "mills, the military, and millionaires." Fort Benning, a primary infantry training center, clings to the city limits like a huge tick, though in terms of who does what to whom Columbus always has been the parasite. For years the city sucked federal dollars out of the Army, achieving thereby some semblance of prosperity despite a wage base depressed by cotton mills and their exploitive owners. But today the Vietnam war is over, and Columbus no longer teems with draftees looking for ways to throw away their money while they wait for a charter flight to a rice paddy. Benning is down to 18,000 men now from a high of 55,000, and the city is looking to Dolly Madison cakes (a newly-recruited industry) to take up some of the slack. The mayor, 34-year-old Robert Hydrick, talks in terms of "diversification."

"Until 1960, Columbus was a typical southern closed society," Hydrick says. "The cotton mill owners had all the money, and they exercised all the power, overtly or covertly. For example, Columbus was left off the interstate highway system during the late '50's. The word was that the mill owners didn't want it, because it would bring in outsiders and drive wages up."

Hydrick, a Republican, sees the 1960's as a period of significant change in Columbus. The mills were sold to "outside interests" like

Fieldcrest; a major food processing industry grew up around Royal Crown Cola and the Tom Huston Co. ("Tom's Peanuts"); and Columbus began developing a new middle class. In 1968, a young Republican executive, J. R. Allen, ran for mayor. In company with a slate of other political "amateurs," Allen swept out the old-line vested interests in the city administration. The energetic young mayor helped engineer city-county consolidation and struck out in search of economic transfusions for his city, which had (and still has) the lowest per-family income of any major city in Georgia. Many of Allen's progressive initiatives were just beginning to bear fruit when, in February of 1973, he was killed in an airplane crash. Hydrick, formerly a Royal Crown marketing executive, upset the veteran Democrat sheriff in the special election to choose his successor.

Hydrick knows Sanford Bishop primarily through Bishop's membership on the Community Relations Commission, a bi-racial group designed to investigate racial problems and exercise "moral suasion" where legal remedies are absent or too cumbersome.

"I don't have any way of knowing how good a lawyer Sanford is," Hydrick says, "but I know that we welcome black professionals into this community. It helps improve the community dialogue, and professional men always are potential community leaders."

Sandy Bishop's potential as a community leader likely will be realized some time in the future. Right now he is more concerned about the one thing no young lawyer can do without—clients.

Bishop arrived in Columbus during September, 1972, filled with dedication and promise. He had just concluded an internship year spent honing his legal skills on tough civil rights cases, and he was brimming with self-confidence.

"The year I spent at the LDF office has been of inestimable value to me in at least two ways," he says. "First, I got involved up to my neck in important civil rights litigation and learned first-hand how to deal with it. My first courtroom argument as a practicing attorney was before the United States District Court in the Texas teacher-firing case *(Harkness v. Sweeny Independent School District)*.

"Second, I visited black law firms all over the country, and I looked at their organizations, their procedures, everything. I asked people what they would do differently if they had it to do over.

"I learned some very practical things, such as to take the secretaries at the clerk's office a little something at Christmastime. I tried it last year, and it helps when you need some attention at the courthouse.

"The LDF awarded me a stipend of $9,000 for the first year, plus $4,000 to start a library and $1,000 for office expenses. The stipend dropped to $5,000 this fall, and next year it goes down to $2,000. After that I'm completely on my own."

Bishop had more than his internship experience and his stipend going for him. He is an honor graduate of Morehouse College, and of the Emory Law School, where he was an Earl Warren scholar. At Emory he worked for a summer and during breaks from school in the Emory Neighborhood Law Office, where he dealt with the day-to-day legal problems of poverty-stricken clients. He was president of the student body at Morehouse and a winner in the moot court competition in law school. His resume is that of the archetypal student leader, and the reputation which precedes him is only enhanced upon introduction by his unruffled self-assurance and friendly manner. He came to his new home committed to make things happen. He also had, as he puts it, "stars in my eyes."

"I think I was pretty naive about the money situation," he admits. "We've had a steady rise in income during the year, but we're still just barely breaking even."

Richard Hudlin confirms his partner's assessment.

"I think you have to serve a period of apprenticeship in a town like Columbus," he says. "Even some black people are probably waiting for us to prove that we can cut it before they come around. A lot of blacks still cling to the idea that a white lawyer can do more for you. That's bull but that's what a lot of them think."

Hudlin and Bishop formed a close friendship at Morehouse College, where they were fraternity brothers. Sanford was student body president, and Richard was captain of the tennis team. Richard, a St. Louis native, went north to the University of Chicago to study law, while Sanford chose Emory. After graduation, during the same year that Bishop was absorbing civil rights law at LDF headquarters, Hudlin worked as an associate with a Chicago firm that specialized in labor law. Richard came to Columbus with a healthy skepticism, much of which he retains.

"We had always talked about going into practice together somewhere in the South, but when Sanford told me he was going to Columbus, I said, 'Why?' Still, I came."

Hudlin has neither stipends nor grants to contribute to the firm, so he and Bishop agreed that during the first year Sanford's "draw" would be limited to the amount of his LDF stipend, while Richard

would extract an equal sum from the firm's regular proceeds. They are getting by, but both are newly married and both wives are teachers. The additional incomes are important, especially since Bishop now must look to the firm's revenues rather than to his stipend alone.

So far, the two young partners have depended upon a wide variety of clients and cases to support their practice. Their largest chunk of fees (about $4,500) has been earned from divorce and custody cases, and they also are beginning to get a little of the cream traditionally skimmed off by attorneys in real estate transactions (approximately $3,440 during the first year). They have collected some contingent fees in personal injury cases, and the settlement of a Title VII (discrimination in employment) case on behalf of a black computer analyst brought in their largest single paycheck. Some cases, however, have produced nothing.

"At least we don't have a substantial backlog of accounts receivable," laughs Sanford, "We just call them bad debts."

Both men recognize that their toddling firm has accepted several marginal cases in an effort to build a reputation, but they have tightened down recently on fee collections. They now demand prepayment in criminal and domestic cases, and a firm schedule for deferred payments in other matters. They are negotiating retainer agreements with some black businesses. From January through August, 1973, the firm took in about $19,200 in fees, supplemented by $5,956 from LDF. (The LDF funds represent payment in return for civil rights litigation. Sanford funnels his stipend checks directly into the firm's accounts). The income figures show a steady upward trend, but there is little room for error and none for pay raises. Bishop and Hudlin pay their secretary $375 per month, and in September they took a substantial gamble by hiring Mary Alice Buckner, a black Columbus native who graduated last June from Mercer Law School in Macon.

"Realistically, we couldn't afford it," says Bishop, "but she wanted to come and we felt we could absorb the burden of her salary for a while until she begins paying her own way." Mary Alice's arrival fit quite nicely into Bishop's scheme of a fast-growing black firm, dynamic and talented, to serve Columbus and surrounding towns. He hopes the firm will have 10 lawyers within five years.

Meanwhile, a more immediate shot in the arm is in the offing for the firm. Henrietta Turnquist, a black NYU grad who finished her internship year with a black firm in Savannah, is currently practicing law in Bishop's firm. The LDF will pay her salary until next summer, after

which she will receive a stipend similar to Sanford's. Bishop and Hudlin have worked with her in the past, and had anticipated that she might join the firm next year. They are delighted that she has arrived sooner, in part because any business she brings in will be sheer profit.

Financial burdens notwithstanding, both Bishop and Hudlin appear to have adjusted to practicing law in Columbus with a good deal of aplomb. While both say that it is far too early to assess their impact on the city, it is clear that they are in the process of laying down excellent personal and professional reputations.

"These guys are sensational," enthuses Leon Johnson, a black air-conditioning man whose snarled divorce case Sanford unraveled six months ago. "These guys just work harder, that's all. Sanford tried to understand me, he got through to me, he told me what I could do and what I couldn't do, and everything worked out beautiful, just beautiful."

Before coming to Bishop, Johnson had another lawyer. "It was like everything was a deal, a political deal, where your case was decided over a cup of coffee or something," he says. "But these guys won't sell you out. I have confidence in them, and I've recommended them to other people."

Johnson thinks blacks need black attorneys, but admits that "some of them are reluctant to come to a black attorney because they think it is admitting economic inferiority—you know, like they can't afford to go first class." Nevertheless, he thinks that Bishop and Hudlin will thrive because "they're very professional, they work hard, and they have unlimited potential. Blacks have more confidence in young blacks than in older blacks, because they think they're better educated. Most people are proud of having a *young* black attorney.

"These guys have had to handle whatever cases they could get in order to build their reputation, but I think their reputation is pretty well established in the black community. They won't have any problem."

Many people in Columbus apparently agree with Leon Johnson's unabashed forecast of success for Bishop and Hudlin. But at least one man is more cautious. He is Albert Thompson, and he is skeptical because he has been down the road. For 20 years before Sanford Bishop showed up in Columbus with a stipend and a shingle, Thompson was the only black attorney in town.

"I've tried to help them," says Thompson. "They have better backgrounds and more experience than I had when I started.

"I think—I hope . . . they will benefit from my having been here first. But they are different people and this is a completely different age as far as black lawyers are concerned. It's hard to tell."

Thompson graduated from Howard University's law school in 1950. He came back to Columbus to live near Fort Benning, from which his father, a career Army non-com, had retired.

"I didn't practice law at first," he says. "There just wasn't enough business to make a living. So I took a civil service job at the base and pretty soon I was supervisor of the coal yard out there. I was making a pretty good living, had several dozen employees working under me.

"Finally, in 1954, I decided to give law practice a try. I wasn't the first black lawyer who'd ever been here. Right after the war there was a fellow named Curtis. Unfortunately, his personal integrity wasn't everything it might have been, and he left under a cloud, you might say. He's dead now.

"For a while I was associated with Stanley P. Hebert. He came here around '55 after having taught at North Carolina College in Durham. He only stayed about a year, then he went to Washington and made a pretty big name for himself at the Justice Department. He's living in California now. Once Hebert left, I was on my own until these two young fellows showed up."

Thompson is a dapper, balding man who wears double-knit suits and a salt-and-pepper mustache. His modish grey sideburns, stylish bifocals and suave manner contribute to an image of dignity which stops just short of pomp. He is articulate in the practiced style of one experienced in public speaking. But it is his voice, rich and resonant, that surely marks him as a politician, which he is.

"I went into politics because no black had been elected to office here since Reconstruction," he says. He has been remarkably successful, having been elected five successive times to the Georgia legislature on the Democratic ticket.

"The first time was in 1966. It was a race for a special one-year term resulting from reapportionment. I've been elected to four two-year terms since then."

Thompson spends three months each year in Atlanta with the legislature, for which he is paid $7,200.

"I don't practice much law while I'm up there," he says. "I keep in touch with some clients by phone, then I come down on Saturdays and Sundays and get out my correspondence, write a couple of wills, things like that. But it's all right. I've gotten a little lazy as I've gotten older."

It isn't difficult to find blacks in Columbus who will label Thompson an Uncle Tom. Thompson knows it, and he is sensitive to the criticism.

"People who say I've never filed a civil rights suit are right. I never have. But there are reasons for that.

"For example, I've never had any training for civil rights work. When I went to Howard civil rights was an esoteric course, a bunch of theory. Hardly anybody took it. We were too busy trying to get down the torts, contracts and procedure that we needed to pass the bar and get jobs with the government.

"Then, when the civil rights movement did crank up, Columbus was a sort of backwater. Most of the big civil rights organizations bypassed it. They were selective, putting their effort into the really important places. By the time anything happened here, a whole cadre of civil rights lawyers, men like Don Hollowell, had gotten established in Atlanta. They handled almost everything."

Much of the important early racial progress in Columbus occurred without litigation. Seating on public buses was integrated after a brief boycott. Later the NAACP came in and got the public libraries and playgrounds integrated. But in contrast to southern cities where blacks were a large minority or even a majority, Columbus was (and is) 70 percent white, and the white establishment wasn't terrified. It didn't strike back, but it gave ground grudgingly.

"It was cyclical," Thompson remembers. "Talk would start, then the Better Business Bureau and the Chamber of Commerce people would get together and decide to integrate the restaurants, something like that. They would 'throw us a bone.' But it would take the steam out of the movement for a while.

"We weren't the most aggressive people here, but our achievements were sound," he says.

An exception was school integration, which, according to Thompson, "was as slow here as anywhere in the country." Many smaller communities made faster progress because they fell under the federal guidelines. Finally the Legal Defense Fund brought a suit which produced court-ordered integration based on strict black-white ratios in individual schools. The plan requires massive busing, but both Mayor Hydrick and Thompson feel that anti-busing fervor has died down, especially since the recent hiring of a new Superintendent of Schools.

"The climate is totally different now than when I came," Thompson says. "I realize that these two young fellows [Bishop and Hudlin] are willing to take some cases that I wouldn't handle, but they're

better prepared for them, too. Black lawyers are poor folks' lawyers, basically, and some black people don't want a civil rights lawyer. They expect lawyers to be 'fixers'. They don't want somebody who's too militant, who gets tied up in motions and challenges and all that."

Thompson won't say that Bishop and Hudlin are "too militant," but he is critical of their appearances. "Sanford's beard hurts his impression with some blacks," he says, "and Hudlin has that Afro. Some folks are scared off by that."

Both Bishop and Hudlin are aware that Thompson considers them excessively hirsute, but they aren't bothered by it. Both say that Thompson has been "helpful" on the whole, that he is friendly, and that they do not consider him a competitor. Thompson's office is next door, and he came and sipped champagne when they hung out their shingle.

"In fact," says Sanford, "I do think we have caused a problem for Al by moving in here. He's had that same little old office for about 20 years, and suddenly we come along and open up a bigger, nicer office than his. I think some of his friends have been ribbing him about it, saying 'Al, when are you going to fix this place up,' stuff like that."

Thompson, whose office is noticeably smaller and more cluttered than the new firm's, merely says, "Those boys are paying too much rent."

If Bishop and Hudlin are relatively secure in their relationship with Albert Thompson, their standing with the other members of the Columbus bar is more difficult to assess. One white lawyer who has befriended them is John Laney, a 31-year old honor graduate of the Mercer Law School who handles litigation for the largest law firm in town. He socializes with the two newcomers, and has given them advice about practicing in Columbus, but he thinks it is premature to judge their position in the local bar.

"I can't evaluate their overall impact," Laney says. "Their practice is just too different. I do know one thing, though—they certainly haven't had a negative impact."

Laney, who is president of the Columbus Legal Aid Society, met Sanford Bishop during the fall of 1972 through a mutual friend then employed by the local legal aid office. He invited Bishop and Hudlin to the Columbus Lawyer's Club and to a meeting of the young lawyer's section of the Georgia Bar Association.

"Oddly enough," he says, "they were well received at the Lawyer's Club. But I thought the atmosphere at the young lawyers' meeting

was rather cool, and I later found out that three or four people were openly critical of me for bringing them."

"I know the ones who objected. They're just plain racially prejudice , that's all there is to it."

The Columbus Lawyers Club, like many southern professional groups, is rooted in an aristocratic, lily-white tradition. For many years prior to the Georgia legislature's creation of an "integrated" bar (in the legal, rather than the racial, sense), the Lawyers Club doubled as a social club and as the quasi-official bar association. Its presidency was passed around among the more prestigious firms like a revolving trophy, and it established a schedule of minimum fees. Today Georgia has an integrated "official" bar to which all licensed attorneys automatically belong, but the Lawyers Club retains substantial local influence, primarily social.

For more than 15 years after he began practicing law in Columbus, Albert Thompson was denied membership in the Lawyers Club, despite the fact that the only known membership requirement was the recommendation of two members and majority vote of the remainder. Other than a couple of white lawyers whose reputations for basic dishonesty prevented their obtaining even two endorsements, Thompson was the only Columbus lawyer never invited to join. Finally, after Thompson had been elected to the state legislature, several members forced the issue. A special meeting was called and Thompson was admitted with just three negative votes. The only immediate impact of his admission was that the Lawyers Club stopped meeting at the country club, but even that tradition now has been resumed.

"We participate fully," Thompson says. "We show the flag."

(By "we" Thompson includes his wife. But one place where the flag can't be shown is the local bar auxiliary. The Columbus bar wives still deny membership to Mrs. Thompson.)

Bishop's and Hudlin's admission to the Lawyers Club is still an academic question, because neither has applied. One must be admitted to practice in Georgia for four months prior to being proposed for membership, and Richard has only recently satisfied that requirement. Sanford says he has been "too busy to worry about it. Besides, I was sort of waiting for Richard to be eligible." Both Al Thompson and John Laney are prepared to recommend the two newcomers for membership, but neither intends to push it.

"I don't think I should take them by the hand," Thompson says. Laney is "waiting for them to come to me." Neither feels that the Lawyers Club will balk at accepting Bishop and Hudlin. Moreover,

Laney believes that the young lawyers group, as an arm of the official state bar, is constitutionally prohibited from excluding any qualified person. But he ruefully acknowledges that "there may be a couple of rednecks in there who will try."

Neither Bishop nor Hudlin is aware of any particular animosity among the local bar. Both say that several white lawyers have gone out of their way to be nice, offering use of their libraries and giving advice about fees. Laney and others have referred cases to them, though Hudlin describes some of the referrals as "born losers." The legal aid office, which is prohibited from accepting divorce cases by agreement with the local bar, has been especially helpful.

"Legal aid used to take divorces," Hudlin says, "but the bar got upset because all the poor housewives were going to legal aid. The wives couldn't pay, but the bar wanted the opportunity to try to get attorneys' fees out of the husbands. So now legal aid refers domestic cases, and we've gotten several."

One of the premises for the LDF intern program is that the traditional wholesale shortage of black lawyers has resulted in ineffective representation for blacks in the South, so that blacks have been denied access to the "system." Thus young practitioners like Bishop and Hudlin are expected not only to provide blacks with black lawyers, but to provide many with lawyers, *period*. John Laney thinks the premise is sound.

"I think that many blacks have had inadequate legal representation over the years," he comments, "especially about business, taxes, and other economic matters. My firm represents blacks, but almost all of them come to us because they happen to be insured by companies for whom we do defense work. I doubt whether we have a single black businessman as a regular client."

Bishop and Hudlin aren't sure whether they are creating new roles for themselves, but both think blacks have been denied proper representation in the past. Al Thompson disagrees, contending that many white lawyers have always been willing to take black clients, provided they could pay.

"Oh, they used to call me to represent a black man accused of raping a white woman, something messy like that, when white lawyers were afraid of it. But I just don't believe black people traditionally have thought in terms of going to a lawyer unless they were in trouble."

Dr. Robert Wright, a dynamic young black city councilman, thinks Bishop and Hudlin are "filling a void," but also that they will take business from white attorneys. "Take me, for example," Wright says.

"I'm looking forward to having them handle my business. I don't have any reason to stop dealing with my present attorney, but as new things come up I'm going to send them to Bishop and Hudlin. I'm glad they're here."

Wright, a tall, pencil-thin man whose expressive face finishes in a wiry goatee, is a Columbus native and a graduate of Ohio State University. An optometrist, he established his practice 12 years ago and is one of two black physicians in the city. The paneled wall of his office displays a multitude of awards, a Small Business Administration commendation and a brass plaque designating him the "Jaycee Outstanding Young Man" of 1972. (One of his predecessors is Bob Hydrick). Clearly, Wright is a "comer." He also is a Republican in an era when black Republican office-holders are rarer than left-handed third basemen.

"I'm a Republican," Wright says, "because the local Republican party was the first to promote black participation, especially by young people." Some Columbus politicians say Wright is a Republican because he simply is an opportunist, or because his feelings were hurt by losing the Democratic primary race to Al Thompson in 1966. Whatever the reason, almost everyone, including Wright himself, concedes that he is politically ambitious. He has cultivated a sizable following, especially among younger blacks, and was unopposed in the last city council election. When he props his long, thin legs on his desk and speaks about Sanford Bishop, he speaks in political terms.

"Sanford is doing well," he says, "but his major impact hasn't been felt yet. I look at him as a potential political candidate, sure. But I look at a lot of people that way. I don't resent so-called 'outsiders' coming in, especially if they have ability. I don't think that there should be any rule that a man must live here for five years, or even five days, before he can get involved."

"I think Sanford's practice is gathering momentum, and he is building an excellent reputation." In an obvious dig at Thompson, he says, "We need someone here to face up to civil rights cases. It just takes a few guts. I don't think Sanford will have many problems with the white community because of it."

Wright concedes that, as a talented young black, Bishop is something of a political pawn in the divided black community, but he is unsure whether he will try to recruit Sanford for the Republican Party.

"Well, he says he considers himself a Democrat, and I don't really care. I think the most important thing is that he get involved. The

black vote here is fairly independent, and I think it responds to the best candidate, regardless of party. I'm a partisan Republican, and Al Thompson is a partisan Democrat. But we both carried the black vote.

"I will say this, though," Wright concludes. "I'd like to have someone like Sanford as an ally."

If Columbus is not quite sure what to make of Sanford Bishop at this stage, he is equally unsure of what to make of it.

"Culturally, it's a void," he says. "In New York there was the theater, concerts, everything; here, there's nothing." But he admits that he is "too busy to miss most of it." Bishop and his partner work hard; their office is open even on Saturdays, when the white firms are locked and the golf courses are crowded.

Yet Bishop admits to being intrigued with the city, as well he might be. Any southern city that simultaneously elects a white Republican mayor, a black Democratic mayor pro-tem, a black Republican city councilman and a black Democratic legislator is naturally an object of some curiosity.

Outwardly, Columbus possesses little to distinguish it from many other mid-size southern cities. The four-lane highway which links downtown with the tiny airport is lined with the same neon flotsam that clutters the fringes of Macon or Tallahassee or Columbia. Your motel room is laid out just like the one the same chain gives you in Columbus, Ohio or Columbus, Indiana.

Columbus has existed since 1828, when southwest Georgia was still under the constant threat of Indian raids. Its streets are wide and straight, with generous sidewalks and grass dividers that afford the city an air of spaciousness. It is the kind of town where pedestrians dutifully obey the "Don't Walk" lights, even when no cars are in sight. A crummy hotel bears a 50-foot fading banner which urges "Free Lieutenant Calley."

In the central business district the pace is languid, the sidewalks uncrowded. The proliferation of out-of-state cars and Army surplus stores serves as a reminder of Fort Benning's presence. Across the street from the Government Center stands the Springer Opera House, a 19th century structure whose boards once were trod by Edwin Booth. It has been restored recently to its Victorian splendor, but the actors now are housewives starring in Columbus Little Theater productions. Next door, jarring in its garishness, is the International House of Pancakes.

The opera house has been replaced as the architectural crowning glory of Columbus by the churches. They are both plentiful (109 Baptist alone) and impressive. The white-columned First Baptist Church occupies almost a full block in the heart of the city; without the stained glass it could pass as the courthouse in a fair-sized county, or as the administration building of a well-heeled private college. Like most other public buildings in Columbus, it has a splashing fountain outside (Columbus bills itself as "the Fountain City"); at First Baptist the fountain is bathed in soft blue floodlights and the grass around it is manicured by the tender hand of a black gardener.

Until the 60's, Columbus was one of the few southern cities of its size without a college, black or white. It had neither an academic community nor an academic tradition. Now the small local community college has been enlarged and converted into a branch of the University of Georgia. Juanita Bishop, Sanford's attractive bride of six months, teaches English there.

"I met Sanford in New York while he was doing his internship," she says. "I had been living there for about five years before that. Columbus has required quite an adjustment."

Juanita is no stranger to the South, though. She grew up in Person County, North Carolina and graduated from N.C. Central University in Durham. "My daddy raises tobacco, just like everybody else in Person County." Although Mrs. Bishop admits to a fondness for New York, or even North Carolina, rather than for Columbus, she feels that what her husband is doing is important. Asked whether he is a pioneer, she replies, "I certainly hope so."

Sanford and his wife find the cost of living in Columbus "surprisingly high," especially for housing. They blame it on Fort Benning. "Everybody there gets a housing allowance, and all the landlords know it," they say.

So far Sanford and Juanita have found the social scene "O.K." They have received numerous invitations, but Sanford expresses distaste for some aspects of the structured black "society," which revolves around clubs, lodges, sororities, dinner dances and other remnants of a simpler age. The Bishops go to movies and cocktail parties, and share informal occasions with the Hudlins. They are active in the Fourth Street Baptist Church, and feel they have made some potentially lasting friendships in Columbus. But for the most part socializing is secondary to work. Uppermost in both their minds is Sanford's law practice. If that goes well, everything else will follow.

Sanford Bishop did not come to the law naturally, or even eagerly. His father is president of S. D. Bishop State Junior College, a unit of the Alabama state junior college system. The elder Bishop began his career at the college as an instructor, advanced to dean, and then became president when the institution made a unit of the Alabama State Junior College system. Last year they named the place for him. "It's kind of unusual, I guess," says Sanford, "but he's been there a long time."

Considering his family's deep roots in education (Sanford's mother is librarian at the college), it was natural that he early considered following in his parents' footsteps. Later, while compiling his outstanding record of academic excellence and extra-curricular leadership at Morehouse College, his thoughts turned increasingly toward the ministry. He was nominated for a trial year program at Union Theological Seminary, and even after he completed the CLEO tutorial program at Emory University law school in the summer of 1968 he was still being recruited strongly by Crozier Seminary. He put Crozier off, saying that he would consider divinity school after completing law school. At Emory he was befriended by Bob Smith, a Harvard Law School graduate who was attending a seminary in Atlanta.

"Ultimately, after talking with Bob a lot, I decided that I could make a more practical contribution as a lawyer," Sanford says. "Lawyers deal more with the nitty-gritty, I think. Perhaps I can help more people over the long haul as a Christian layman than I could in a pulpit."

Clearly, Sanford Bishop is dealing with "the nitty-gritty." His waiting room is crowded with the apprehensive faces of those unaccustomed to a lawyer's office and the sad faces of the accused. Recently he and Hudlin have taken on the problems of society's lowest rung: black prisoners. In cooperation with the Legal Defense Fund (and in return for the funds LDF provided during the year), they have filed a federal class action in the Southern District of Georgia on behalf of black inmates at the Georgia State Prison at Reidsville. The complaint contends that the plaintiffs have been deprived of rights accorded them by the "First, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth and Fourteenth Amendments of the Constitution of the United States." The factual allegations are a chronicle of segregation, racial taunts, inadequate housing, overcrowding, arbitrary punishments, censorship and abuses by ill-trained white guards and administrators. The suit demands wholesale changes in the prison operations, and the presiding judge has ordered mediation to stimulate voluntary corrective action

by the state. The case is unwieldy and time-consuming, and Reidsville is more than 200 miles from Columbus, but Bishop and Hudlin are dedicated to see it through. Winning it could do more than help relieve the suffering of 1,000 black inmates; it also could thrust the young lawyers into a position of greater visibility.

Important as the Reidsville case is, Bishop and Hudlin acknowledge that they have been able to handle it only because of the LDF's support. The economics of civil rights litigation virtually demand interim assistance for attorneys, because the road to success is often a long one.

Attorneys who successfully prosecute civil rights cases pursuant to 42 U.S.C. 1983 and similar statutes may be awarded attorneys' fees by the court, especially when they represent a class of complainants, as Bishop and Hudlin do in the Reidsville case. But civil rights cases are often extremely complex, involving months or even years of filings, motions, discovery proceedings, conferences, and hearings. Moreover, the litigants themselves frequently are poor. Even if the attorney ultimately is victorious and the court awards him fees as part of the judgment, he will likely have expended hundreds of valuable working hours over a long period of time without generating income.

To sustain attorneys who undertake the tedious task of litigating such cases, the LDF advances expense money and even some fees while the litigation is in progress, receiving restitution from the attorney if and when the case is won. The expense advances have been especially important in the Reidsville case, because the prison is so far from Columbus, and the costs of automobile mileage and long-distance telephone tolls have been substantial. Thus placing attorneys in the field who are willing and able to handle civil rights cases does not, in and of itself, guarantee that such litigation will occur. Those attorneys must also be able, either through their own means or with outside assistance, to absorb the economic shock of handling difficult litigation on behalf of clients possessing, usually, little ability to pay.

The Reidsville prison case constitutes Sanford Bishop's major entry into actual civil rights litigation to date; the Title VII case which he handled was settled out of court. Nevertheless, racial discrimination often rears its ugly head even when it is not the gravamen for a given case.

For example, Bishop and Hudlin often confront the spectre of an all-white jury, or a panel from which blacks appear to have been excluded. On one occasion Sanford represented a client charged with three counts of forgery. From the clerk of court's office he obtained a

copy of the grand jury list, which revealed that the resident judge had stricken all the black names save one. Sanford moved to quash the indictments against his client on the grounds that blacks had been systematically excluded from the grand jury list. The district attorney accused him of filing a "monkey motion," but was sufficiently intimidated to allow Sanford to cop a plea for his client. The accused man got three years probation, a very lenient sentence from the judge in question.

Hudlin explains how the local D.A.'s and federal attorneys manipulate jury panels:

"They always try to get all-white juries in contested cases involving the credibility of white witnesses against black witnesses," he says. "For example, we had a case like that in which a black man allegedly violated federal gun control laws. It was set for trial on a Monday, but the jury panel looked too black to suit the federal prosecutor, so he set the case back and called a couple of others first. In picking those juries he 'struck' most of the black jurors, so that they were moved to the bottom of the list. Then he called our case. We ended up with 11 whites and a 65-year-old black man who was a cook. The jury convicted our man. Oddly enough, the case was a re-trial of one which had ended in a hung jury. The first time around, two white college students had held out for acquittal."

In another instance, Sanford acted as a special state court prosecutor to try a white bartender accused of shooting a black patron. The witnesses were plentiful but black, and an all-white, all-male jury acquitted the defendant on grounds of self-defense, although the victim had been unarmed. The victim is paralyzed as a result of the incident, but the criminal jury's verdict has virtually obliterated any hope of a successful civil suit against the bartender.

Despite such setbacks, Sanford feels that he is learning the ropes and that the firm can do much to help advance equal treatment under the law, especially through Title VII cases and actions such as the Reidsville case. He and Hudlin are looking constantly for ways to increase the firm's visibility by taking new clients, expanding their services, and getting involved with people. They realize that politics may eventually be the route they choose, but so far they have avoided long-term commitments. One reason is that they are still getting their feet on the ground; another is that they do not wish to be pawns in the Democratic-Republican chess game currently so popular among blacks in Columbus. They are biding their time.

Despite this attitude, someone's eye clearly is on Sanford. In addition to his appointment to the Community Relations Commission (probably engineered by Dr. Bob Wright), he also has been named to the Governor's Advisory Council on Drug Abuse. The latter group has met periodically during recent months to draft a statewide drug abuse prevention plan to coincide with the creation of a new federal anti-drug agency. Sanford has no idea how he came to be appointed, but he hasn't overlooked the irony in his serving on boards for a local administration which is Republican and for a state administration which is Democratic.

In large measure, Sanford attributes his successful adjustment in Columbus to the fact that he is an Emory law graduate.

"I think Emory was the perfect choice for me. I made a lot of contacts there that are still paying off. For example, when I went to Atlanta to serve the papers in the Reidsville prison case, I served them on a former professor of mine who's now with the Attorney General's office. Also, I run into classmates when I am out trying cases, and I've gotten some referrals from out-of-town Emory graduates looking for someone to take a case in Columbus.

"In fact, there's a certain amount of prestige which goes along with being an Emory lawyer. I've talked to local lawyers who know I went to Emory who say they tried to get in there but couldn't, so they went to Georgia or Mercer. They're genuinely impressed to find out that I went to the best law school in the state."

Sanford thinks that he and Hudlin have gotten off to a good start, despite the meager economic returns. Already he is talking in terms of further expansion, and is straining to pay rent on unused space in order to be ready when the time comes. The firm has borrowed a good deal of money, but he is confident that someday it will prosper. He and Hudlin have even discussed buying a camper or motor home in order to "ride circuit" and hold office hours in some of the smaller towns encircling Columbus. "Some white lawyers already are doing it," Sanford says. There are no other black attorneys save Al Thompson for 70 miles in any direction, and Bishop recently expanded the firm's working area by passing the Alabama bar.

"Potential clients started coming over from Phenix City, across the river," he says, "so I took the Alabama bar in order to be able to take their cases. I think it will provide us with a lot of new clients. There aren't many black lawyers in Alabama, either."

For the foreseeable future Bishop expects his firm to be the prime

source of new black legal representation in the area. Neither he nor anyone else in Columbus believes that a white firm will hire a black associate any time soon. One white attorney thinks that even if it does happen, "Bishop and Hudlin have a lot more visibility. A black associate in a firm like mine probably would end up doing the same things a white associate does."

Thus, if Sanford Bishop's future is not exactly secure, it is very promising. Judge Oscar D. Smith, Jr., who presides over one of the Superior Courts in the district, evaluates Sanford as "a very good young lawyer. I haven't had many dealings with his partner, because he only recently has been admitted to the Georgia bar. But I haven't heard a thing bad about either of 'em."

Judge Smith, who is sufficiently individualistic to have strained Columbus' credulity by proposing that all drugs be legalized under a modified British system, endorsed Albert Thompson's application to take the Georgia bar exam 20 years ago. He confesses to having discouraged Thompson from practicing law, however.

"At the time, Al was the foreman at the coal yard at Benning. He was making more money than I was, and I had been practicing law for 10 years. I told him he was crazy to try it. But he did all right, so what did I know?

"Times have changed since then. Now there seems to be a lot more legal business in Columbus. In fact, a lot of lawyers are too busy making money. They take on more than they can handle, hit it a lick, and come into my court half prepared. I have to guide a lot of them through their cases." Happily, Judge Smith has detected no lack of preparation on the part of Sanford Bishop.

"He's very sharp, and I think he will make it. I think Columbus has passed the point at which it made any difference whether a lawyer was black or white. If he can demonstrate that he's a good lawyer, Columbus will find a place for him."

Judge Oscar Smith was wrong about Albert Thompson, and a lot of people think he is wrong about drugs. But the odds are he is right about Sanford Bishop.

Postscript

The foregoing description of Sanford Bishop at the end of his initial year on the firing line in Columbus is, I gather, a good deal different from the usual evaluation of a foundation grant program. I say "I gather" because I don't know. I am not in the habit of reading such

documents. Nor am I expert on grants or foundations (which isn't all bad considering that Mark Twain's description of an expert is "just a damn fool a long way from home"). Instead, I am a practicing attorney with experience in writing for magazines and newspapers. Accordingly, what precedes is a subjective impression grounded in considerable factual evidence supplied by many kind and hospitable people.

That said, those who commissioned this article have asked me to supply my brief personal evaluation of Sanford Bishop's current circumstances.

Succinctly stated, I believe the sponsors of the LDF internship and stipend programs have much reason to be very optimistic concerning Sanford Bishop's future in Columbus. Barring extraordinary ill luck, his considerable talents and boundless dedication should thrust him into a position of significant leadership and financial stability relatively soon.

That is not to say that everything is perfect at Bishop and Hudlin, or that all difficulties will fall by the wayside. It is to say that the obstacles now apparent are surmountable, and the "push" provided by the LDF has allowed other impediments to be by-passed.

Financially, the firm's true standing is somewhat difficult to assess after so brief a period of operation. Income appears to be increasing steadily, but if one keeps in mind the almost inevitable lag between service and remuneration, the true picture likely will not be fully apparent until at least another year has passed. Civil rights cases are not currently a major income source, but (as demonstrated by the lone Title VII case) even an occasional civil rights suit can have rather dramatic monetary consequences. The firm should be able to develop additional business clients, but the process may be slow; the few black-owned businesses in Columbus either are already tied to an established attorney or simply exist without legal representation and must be converted.

My appraisal of the Bishop and Hudlin library is that it exceeds, in quality and quantity, the library facilities available to most other young practitioners. The firm borrowed money over and above the LDF's $4,000 library stipend, and in doing so it may have gone further than really necessary. The basic case services, testbooks, digests, and form books required for Georgia practice are all on hand. There also are other materials which may be used far less than their purchase price would justify. Considering that several firms in town have offered Bishop and Hudlin the use of their libraries, they might well

consider adding only the necessary supplements and pocket parts during the immediate future.

The office facilities at Bishop and Hudlin are adequate, though far from posh. The office location is outstanding in terms of access to the courthouse and availability to "walk-in" clients. The firm has leased far more space than it really needs, partly to obtain its prime location and partly to be ready for immediate expansion. Whether the advantages outweigh the drawbacks of committing the firm to a $600 monthly rental burden is at least debatable.

Sanford Bishop informed me that competent clerical and secretarial assistance is almost impossible to find in Columbus. The firm has experienced considerable turnover despite its short existence. For example, their one really experienced secretary resigned because she could make more money at the local Red Cross unit.

These comments aside, I believe that Sanford Bishop's impact on Columbus cannot be judged now. The firm is still a novelty in Columbus and Bishop and Hudlin are just beginning to establish their reputations as lawyers. Clearly each possesses considerable ability and almost unlimited drive; moreover, they complement each other well in terms of background and personality. Hudlin is the more extroverted of the two, as befits his urban upbringing. Sanford is cooler, calmer, more pensive, and somewhat given to introspection. The bond of personal friendship between the two has no doubt served them in good stead during the first trying months.

At this early stage Columbus appears to have affected Bishop and Hudlin more than they have affected it. Aside from awakening to the economic realities of life in a blue-collar, low-wage city they also have spent considerable time acquainting themselves with the rather unique power structure and adjusting their professional goals to fit the clients who come to them. They have made this adjustment rather successfully, it appears, as they now handle divorce cases with the same dedication as more lofty matters.

Finally it is apparent that, whatever the future portends for Sanford Bishop, he very likely would not have gotten this far in Columbus without the advice, assistance and direction provided by the LDF fellowship program. He is very proud of having been associated with the program. I unhesitatingly predict that the LDF will always have reason to be proud that he has been associated with it.

Contributions to Increase Black Lawyers in the South

(over five-year period ranked in order of amount)

Law Students Civil Rights Research Council
Nov. 1968-Feb. 1974

General Public & Membership	
Mail Solicitations (approx. 15,000 people)	$321,151
Private & Placement Contributions	213,298
Miscellaneous (Chapter fund raising, sale of publications, dinners)	24,429
Grants	
Carnegie Corporation ($50,000 due in 1974)	$225,373
Field Foundation	150,000
Norman Fund	138,839
Ford Foundation	119,078
New World Foundation	110,000
New York Foundation	57,500
Rockefeller Bros. Fund	50,000
San Francisco Foundation (for California programs)	33,000
Von Loben Sels Foundation (for California programs)	30,000
Glickenhaus Foundation	22,950
Boehm Foundation	20,000
Abelard Foundation (for California programs)	20,000
Stern Family Fund	15,000
Donors Anonymous Foundation	10,000
Field Foundation (Illinois)	10,000
Schumann Foundation	10,000
Fund for Tomorrow	5,500
Scheide Association	5,500
Gutfreund Foundation	5,200
Sunflower Foundation	4,500
Division Fund (for California programs)	4,000
Rabinowitz Foundation	4,000
Buttenweiser-Loeb Foundation	3,000
Fain Fund	3,000
Levi Strauss Foundation (for California programs)	3,000
Ottinger Charitable Trust	3,000
Taconic Foundation	3,000
Cummins Engine Foundation	2,000
Reader's Digest Foundation	2,000
Hefner Foundation	1,500
Hess Foundation	1,500
Dane Foundation	1,000
Eldridge Foundation	1,000
Janss Foundation	1,000
Playboy Foundation	1,000
Ritter Foundation	1,000
Southwest Intergroup Relations Council	1,000
Sperry Foundation	1,000
Miscellaneous (grants less than $1,000)	4,115
TOTAL	$1,642,232
Estimated Total for Southern Programs	$650,000

NAACP Legal Defense and Educational Fund-Earl Warren Legal Training Program, Inc.
1969-1973

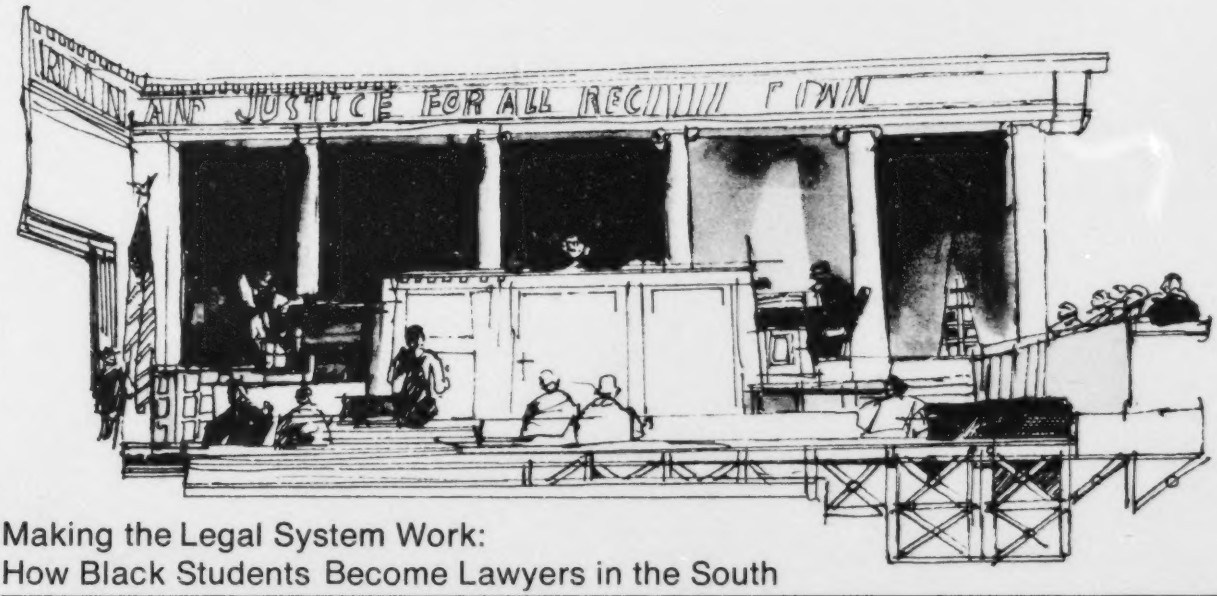
Scholarship Program	
Carnegie Corporation (Includes $165,000 due in 1974 and 1975)	$727,500
Ford Foundation (Includes $172,500 due in 1974 and 1975)	682,500
Fleischmann Foundation	76,250
Henry Ford II Fund	40,000
New York Community Trust	28,800
Merrill Trust	24,000
Butler Trust for Charity	20,000
Columbus Foundation	15,000
Cabot Charitable Trust	9,000
Mead Corporation	7,500
Prudential Life Insurance Co.	7,500
Alcoa Corporation	5,000
Vingo Trust	5,000
Caroline Ferriday	4,140
General Service Foundation	4,000
Mr. & Mrs. Henry Bourne	3,000
Mr. & Mrs. Robert Chamberlin	2,100
Mr. & Mrs. Thomas Chamberlin	2,100
Fred Harris Daniels Foundation	2,000
Gebbie Foundation	800
Fellowship Program	
Carnegie Corporation	$581,300
Field Foundation	530,000
Rockefeller Brothers Fund	360,000
Anonymous	30,000
Anonymous	24,750
General Grants	
Alfred P. Sloan Foundation	$270,000
Schumann Foundation	30,000
Sunnen Foundation	20,000
S & H Foundation	17,500
General Service Foundation	15,000
Werthan Foundation	8,000
Hoyt Foundation	6,000
Hofheimer Foundation	5,000
Fred Harris Daniels Foundation	4,000
Division Fund	1,000
74 Corporations contributed a total of	215,474
TOTAL	$3,764,214
Estimated Total for Southern Programs	$2,967,000

(Data provided by LSCRRC and Earl Warren Legal Training Program, Inc.)

Carnegie Quarterly

CARNEGIE CORPORATION OF NEW YORK

VOLUME XXII/NUMBER 1
WINTER 1974



Making the Legal System Work: How Black Students Become Lawyers in the South

. . . *and justice for all.*" So states the pledge of allegiance that millions of American school children recite as matter of fact every day. And in theory, justice does not see black or white or rich or poor, but truth alone. In growing up, however, many of these youngsters discover that this theoretical justice—because they are black or red or brown—is blind to them in reality. Justice they come to realize does not exist apart from the law, and, by tradition the law has been white. And so, for some citizens all over the country, that law has not always provided access to justice. Too often it has been, if not an agent of oppression, something so remote as to be incapable of protecting their rights or defending their causes.

Nowhere has this been more evident than in the South where for many, many years, laws—from voting regulations to school segregation legislation—helped to keep blacks down by discouraging them from freely exercising their civil rights or even maintaining a sense of human dignity. Yet paradoxically, for all of its inequities and shortcomings, the law in recent years has become the chief avenue for peaceful social change in the South, as a flood of new laws, along with new enforcement of old statutes, has helped to drown out old prejudice. In the long run, however, if this movement is to have a lasting effect on the region, the South must look to its own people to resolve their common destinies.

It is clear that there will be no easy—or single—path to develop such Southern-rooted strengths, which, by definition, require the entry of blacks into the region's power structure. It seems equally clear that black lawyers will be essential—both as legal representatives to make real the rights won in the sixties and political advocates to make these rights meaningful by taking part in the formation of new laws. Ultimately, the visibility of black lawyers in positions of influence and stature and their role in community leadership may be just as crucial in helping to create a new fabric of social expectations and relationships.

And so, since 1969, Carnegie Corporation, in an attempt to attack one part of a complex problem, has made a series of grants to the NAACP Legal Defense and Educational Fund, Inc. (LDF) and its new affiliate, The Earl Warren Legal Training Program, Inc., and to the Law Students Civil Rights Research Council (LSCRRC) aimed at training black lawyers to serve their people and the South. These grants flowed from efforts to increase the number of black attorneys nationwide which had begun with the formation of the Council on Legal Education Opportunity (CLEO) in 1968. CLEO, primarily funded by the Office of Economic Opportunity, ran a series of summer institutes for potential black law students and offered them scholarship stipends at the law school of their choice when they completed the program. However, it appeared that most black law students

John England: An Earl Warren Scholar

John England, come May, graduates from the law school at the University of Alabama. It's hardly an ordinary event for someone, as England says, "from the pocket of black counties in central Alabama with little political or economic or any other kind of power."

Tenacity born of a certain checked fury, hard work, and "luck" all have helped England make it. He was lucky that his father left sharecropping to become a Birmingham steelworker ("a goldmine job if you're black," says England) and lucky to be placed in a "teachers' children class" in school. There, black teachers made their best students bear down, study, and graduate when—even in the sixties—it was something of an exception to finish high school in some black neighborhoods.

"I wasn't supposed to go to college," says England, explaining, "I came from a slum." Nonetheless, he went on to Tuskegee Institute, a not really sought opportunity, which became, he says, "the key to seeing a lot of things and asking a lot of questions." On the one hand, he soon saw opportunities he didn't know existed. And, just as fast, he came to comprehend the rank injustice and careless inequity that hobbled blacks—everything, he says, "from those tried without a legal representative and sentenced at the whim of the white establishment to people who lost their land because their families had left no will." Freshman year, an older student he knew, a black involved in civil rights activities, was shot and killed. Of the campus—and internal—turmoil that followed, England, then a chemistry major, says simply: "I became politically aware. I felt 'something needs to be done'—and it wasn't in chemistry."

Eventually, in 1969, with the assistance of an LDF-sponsored scholarship, England entered the University of Alabama Law School with seven other blacks. It was a step taken by only one black before them, a black who did not finish, and England hesitantly remembers his first semester: "We certainly expected hostility. We acted careful and sat together. We didn't talk to older students so I never knew about the study aids white people have, and we just missed out on knowing all the ropes." Looking back, England readily concedes that it was a two-way street: "I was isolated, but I was isolating." Neither white nor black had the experience of sitting side by side in a school room before, and so neither had learned "how to act."

The social backdrop of white scrutiny and the loneliness and estrangement of a white campus, one of England's friends remarked, "made us practically paranoid," and their grades suffered accordingly. Nonetheless, England insists, "If I wanted to practice in Alabama, I decided I had to get to know these white folks. The state's leaders came here. I wanted to see how their minds worked coming from 'these hallowed halls.' "

The atmosphere for blacks has continuously improved. Even more than white determination to help black students feel at ease, black football heroes have helped create a fresh atmosphere. Still, it has not been easy for any of them. All seven of his fellow blacks were on probation their first year and three did not finish their studies. Even England, who has been at the top of his class despite time out for the army, has faced an uphill struggle.

Speaking in a somewhat choked style, totally opposite to that of Hollywood's honey-tongued orators of the white South, he says, "I could be brilliant, but there's no way a teacher can know it—my writing ability prevents me from making outstanding grades." His professors agree, and yet it has been very difficult for England to try to "catch up" on the lifetime's learning of better-prepared whites. Moreover, blacks, says England, also find that before learning law, they must familiarize themselves with tax, real estate, and business concepts which white students may have picked up around the dinner table.

Not least of all, England, like many blacks, has had to wrestle with the very idea of becoming an instrument of the law, the law that, even now, his dean says is "white." "It really seems [to blacks] that the law is a legal way to rip you off," says England, "and then, by definition, going to law school, the system's training ground, is to accept the system and what it's done to you [as a black]. But I guess I felt that one-half is better than zero and that, with the law, there are some things I can do to make things better." One of the experiences that most helped reinforce this view was a summer spent as an LSCRRC intern. Working with the Emergency Land Fund, an organization aimed at helping poor sharecroppers fight against unscrupulous lawyers (like one who was able to take over land worth $10,000 for $900 before England could help), made law school more important.

"I've come to feel that if the letter of the law can benefit you in whatever way, however small," he says rhetorically, "why not use it." To be sure, England will *use* the law in Alabama. He says his prospects by traditional standards are a bit bad: With a wife and two children to support he wants to survive in a state with few integrated law firms and many blacks unable to pay lawyers. Yet, he says, he is going to find a way to work in a place where "there are no black lawyers."

* *

were being lured North in main because southern law schools did not have the scholarship funds to compete with northern schools. By funding programs targeted to the needs of blacks in southern law schools, Carnegie Corporation as part of an effort by nearly 40 foundations* has enabled blacks to go to law school and to practice in the South.

This broad strategy included grants to LSCRRC for a recruitment program to interest blacks in law school, a retention program to help black students succeed in law school, and a summer internship with civil rights practitioners to interest law students in civil rights work. It also included grants to the LDF-Earl Warren program—to give black students the financial assistance they need to attend law school and for post-graduate fellowships to give black lawyers the training and support required to establish practices to take on tough civil rights cases.

While these programs were not all funded at the same time, an intensive and far-reaching evaluation of the grants,

* A full listing of these foundations and their contributions can be found on the last page.

entitled *A Step Toward Equal Justice*, indicates that the strength of any one of them has been intensified by the existence of the other programs with the effect of providing the total support—motivational, academic, and financial—so vital to seeing blacks through all phases of law training from admission to law school to establishing practice.

The Absence of Black Lawyers

The need for black lawyers is certainly well documented. A decade ago, Mississippi had three black lawyers to serve a black population of about 800,000. Alabama five years ago had but 20 black lawyers and Georgia, only 34. The painfully won and long overdue advances that the civil rights movement had brought blacks seemed somewhat illusory in the everyday life of too many black citizens who were without legal representation to guarantee these gains. And the person who could not get a job or the family that could not get a house because of race, also did not always feel comfortable asking a white lawyer for help—if indeed a white lawyer could be found to take such a case. The future, moreover, did not look a whole lot different in the South: There were only 22 first-year black students at 17 predominantly white Southern law schools five years ago, and even then, says one, "If you kept to the pattern, many blacks might expect to wind up as a dropout statistic."

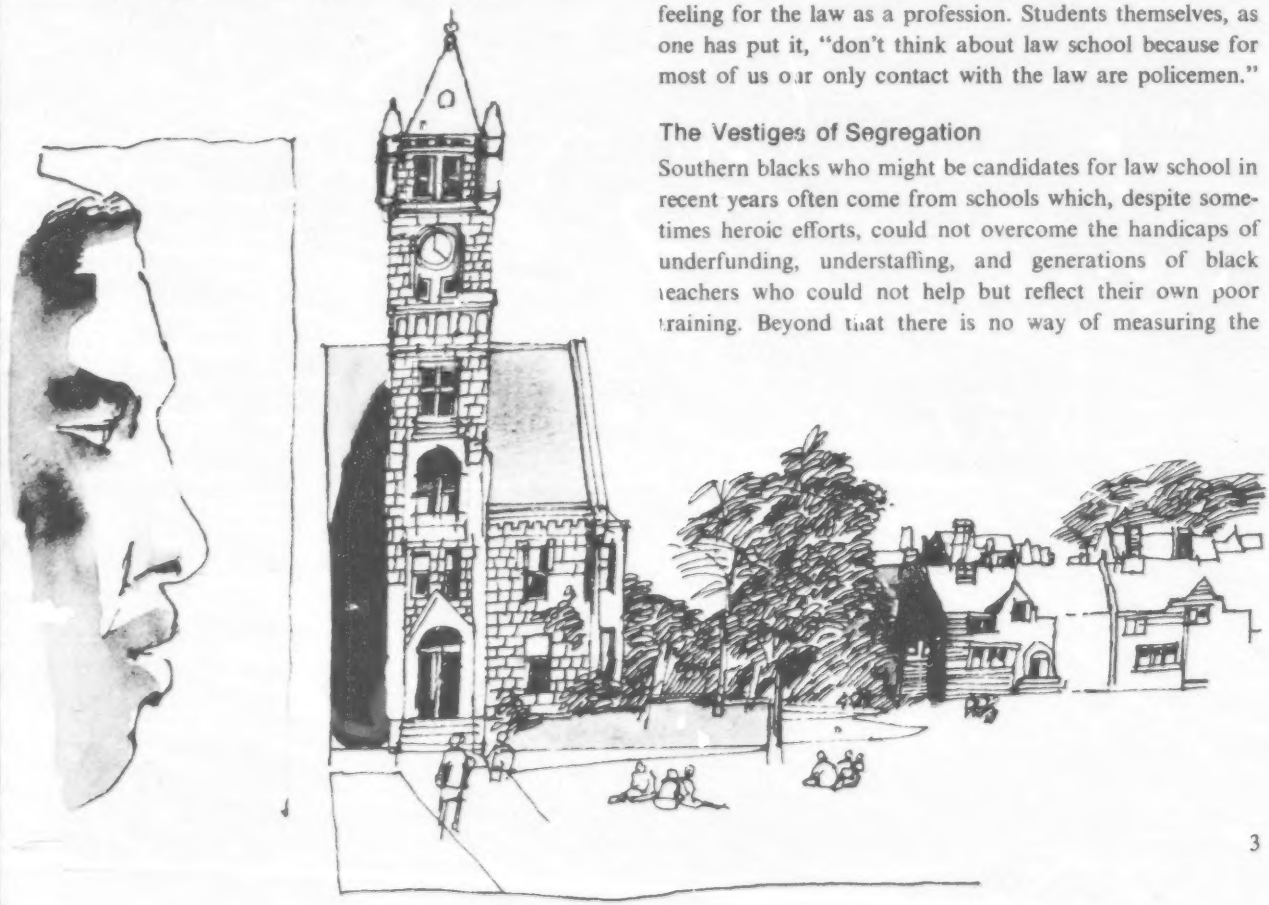
A difficult tangle of circumstance and tradition has helped account for such dour statistics. Most obvious perhaps, is the fact that only four black universities have had law schools, which, even if expanded, could not meet black needs. And law schools at state universities, until recently, have been white law schools where blacks were simply not admitted. They had no contact with blacks and they found that few blacks applied.

Cutting below the surface, blacks had little incentive to go to a "white" law school, at least not in the South where law schools, even more than the universities of which they were a part, stood out as bastions of white domination. And even when these law schools have tried to create a new environment, it still has been uncomfortable for most black students, most likely the products of 16 years of all-black schooling and centuries of racial mistrust and oppression. Students have often felt, rightly or wrongly, that if schools couldn't legally keep out blacks, they would make certain to "push out" black students for academic shortcomings. In fact, one black lawyer now jokes: "I went to Harvard so I wouldn't flunk out of Alabama."

Black colleges, on the other hand, directed their best students into "teaching and preaching," traditional callings, because so many other careers were blocked to them. Many black colleges had little familiarity with law schools or a feeling for the law as a profession. Students themselves, as one has put it, "don't think about law school because for most of us our only contact with the law are policemen."

The Vestiges of Segregation

Southern blacks who might be candidates for law school in recent years often come from schools which, despite sometimes heroic efforts, could not overcome the handicaps of underfunding, understaffing, and generations of black teachers who could not help but reflect their own poor training. Beyond that there is no way of measuring the



potential of black students that may have been eroded by a segregated education, which the Supreme Court in *Brown v. Board of Education* declared "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way never likely to be undone. . . ."

Another lingering result of racism is the low economic status of most blacks. Many black students have had a hard time hanging on financially through college. In 1968, for instance, 63 percent of the freshmen at black colleges came from families with annual incomes of less than $6,000. The spectre of three more years in debt has made the gamble of law school very difficult to justify. And this financial uncertainty has only been compounded by the fact that although positions in state government have been opening up for black lawyers, few private firms in the South have been integrated. Even today, all across the South, integrated law firms are few and far between and small black firms often face financially perilous going.

Southern law schools, in turn, have had small scholarship funds—for whites or blacks. Would-be black law students, perhaps the leaders of the future, who were lured North by richer law schools, could only perpetuate the brain drain that was diluting the leadership of the black community of the South. Deans of some predominantly white law schools who knew admitting blacks was in the long-term interest of the South, and who were anxious to do so, simply could not compete. One professor, bent on persuading a talented black undergraduate to attend South Carolina's law school, recalls that the student listened quietly and then replied: "I have a scholarship to Cornell and to Rutgers. What can you do for me?"

Support—Money and Motivation

Working at one part of the problem, beginning in 1969, Carnegie and the Ford Foundation made grants to what has evolved into The Earl Warren Legal Training Program, Inc. at LDF, providing the financial assistance that has made attendance at predominantly white law schools a possibility for many blacks. School deans say that this aid, generally from $800 to $1200 per student, has been "invaluable." Before these grants, for instance, Virginia's law school had only a few black students, but in 1969, it enrolled 13 blacks, 12 on such scholarships. And Virginia is not an isolated example: the program has already helped produce 229 law graduates, more than 100 will graduate this spring, and the number of first-year law students at 17 southern law schools has risen from 22 to about 170 to make a total over 370 black law students at these schools.

These law schools have changed, too. "Scholarship money allowed blacks to attend law school," says Robert Spearman, the young lawyer who traveled through the South to evaluate this series of grants for the Corporation, "and, once at law school, they in turn helped sensitize these schools to the financial obstacles that beset blacks." Some, like Virginia and South Carolina, are taking the initiative in cultivating scholarship sources of their own, and some have worked to insure first-year financial help for all blacks admitted, ending one source of anxiety. A few schools, now more sensitive to psychological barriers as well, also, have taken the major step of hiring black faculty.

If these scholarships provided the money necessary to enlist talented blacks, another grant to the Law Students Civil Rights Research Council, helped provide the motivation. With Corporation money, LSCRRC, which had been set up in 1963 largely in an effort to provide research assistance from white liberal northern law students to civil rights practitioners in the South, established a southern office. There, it could spur efforts to recruit blacks and could convince students at black colleges of the opportunities and the availability of scholarships at law schools—and the possibility that the law could be as powerful an agent of social change as it had been an instrument of social repression. Black law students from 17 law schools have not only visited colleges in their vicinity to talk with undergraduates; at some law schools, they have hosted weekends of seminars, speeches, and mock trials to give potential students a feel for the law. In two years of such efforts coupled with the availability of scholarship funds, black applications increased from 396 to 768, acceptances at law school from 142 to 265, and first-year black students from 89 to 197 at eighteen predominantly white southern and border-state law schools. Perhaps the best recommendations such recruiting could have are the imitations that many southern law schools from Virginia to Florida to Tulane now fund on their own. Alabama even hired a black law graduate to recruit on a full-time basis as a very real illustration of the ability of a black to succeed at the school.

New Agents of Change

Most blacks who have been encouraged to seek a law school education by these programs are still in school. But the work of those 229 who have graduated, however small in comparison to the millions of blacks who need to be served, already promises to form the underpinnings of a new life for blacks in the South where most of them are practicing. Mississippi, for instance which had only three black lawyers just eight years back, by June of last year had 49 black lawyers, 16 from the Warren program. One lawyer has been able to try many employment discrimination cases, sometimes taking on an opposing counsel from a major southern law firm, and at the same time has helped to elect the first black local official since Reconstruction. Another

Sanford Bishop: An Earl Warren Lawyer

Across the street from the eleven-story glass and steel Government Center in Columbus, Georgia—a structure so new that the concrete still smells damp—is a modest, rambling frame building with a sign suspended over the door announcing "Bishop & Hudlin, Attorneys at Law."

Sanford Bishop, young, talented and black, is a fellow of The Earl Warren Legal Training Program, Inc. "He has accepted the challenge of proving that Columbus can move into a new era as easily as it moved into a new court building," says lawyer-journalist Hugh Stevens, who visited Columbus as part of the larger evaluation of programs to aid the education and placement of black lawyers.

Bishop grew up in Mobile, went to college in Atlanta, and attended law school at Emory University. Settling down in Columbus, a much smaller town and 70 percent white, was perhaps an unlikely move. But then, law was also an unlikely choice for Bishop. His father had a highly respected career in a black college and so did his mother, a librarian. It seemed natural that the young man would be involved in education. Even when his outstanding record at Atlanta's Morehouse College, where he was student body president, made him think of the ministry, he was following a typical pattern for a talented black. Paradoxically, a Harvard Law School graduate already studying at a seminary made him aware that, says Bishop, "Lawyers deal more with the nitty-gritty. Perhaps I could help more people as a layman than I could in a pulpit."

Bishop would have preferred to practice in a larger city after graduation from law school where he was an Earl Warren student. But his commitment, combined with the experience of working with the day-to-day legal problems of poverty-stricken clients at a neighborhood law office while at Emory, made him realize that the LDF—and the South—needed black lawyers in areas where few or none had previously practiced to press home the civil rights victories of the 1960s. So he spent a year of internship in New York with LDF honing his legal skills on tough civil rights cases. And with three years of partial financial support ahead of him to try such cases locally, Sanford Bishop came "home" to Columbus with, he says, "stars in my eyes."

Bishop and his partner, Richard Hudlin, have a practice that is clearly more down to earth. The waiting room is crowded with the apprehensive faces of those unaccustomed to a lawyer's office. Some black people are undoubtedly waiting for the young men to prove themselves, because, says Hudlin, "they cling to the idea that a white lawyer can do more." Those whom they have helped, however, are clearly satisfied. Says one client, "these guys work harder, that's all. Before, with another lawyer, it was like everything was a deal where your case was decided over a cup of coffee, but these guys don't sell you out."

Although the young firm by no means handles only civil rights cases, one white lawyer concedes that it is not merely providing blacks, both poor people and businessmen, with a black lawyer, but in many cases with any lawyer at all. Moreover, should a white law firm take on a black associate, another lawyer imagines that the black would not help other blacks but would do the same type of work as a white associate. The white bar generally has been friendly. The fact that Bishop went to Emory, a school that some local whites could not get into, lends prestige and brings the firm some contacts. And the young lawyers are too busy to think about it—or to miss big city life.

Being busy, the young lawyers have discovered, is not the same as being secure. Bishop feels that visiting other black law firms to see how they managed to keep afloat as part of his internship benefitted him almost as much as the civil rights training he received. But money is tight. If the firm doesn't have a backlog of "accounts receivable," it's because, laughs Bishop, "we just call them bad debts." Both lawyers have working wives.

While financial difficulties are not unusual for a young practice, the pinch is more acute because Bishop and Hudlin have taken on civil rights cases. Such cases are often extremely complex, requiring months or even years of preparation, and the litigants more often than not are poor. As a result, the economics of such litigation virtually demand interim assistance for attorneys. The support that Bishop gets from the LDF, both legal and financial, has clearly been instrumental in the major case the young lawyers have taken on involving society's lowest rung: black prisoners. Contending that the black inmates at the Georgia State Prison at Reidsville have been deprived of their constitutional rights under eight amendments, they have made allegations concerning everything from racial taunts to arbitrary punishment and abuse by white guards and administrators.

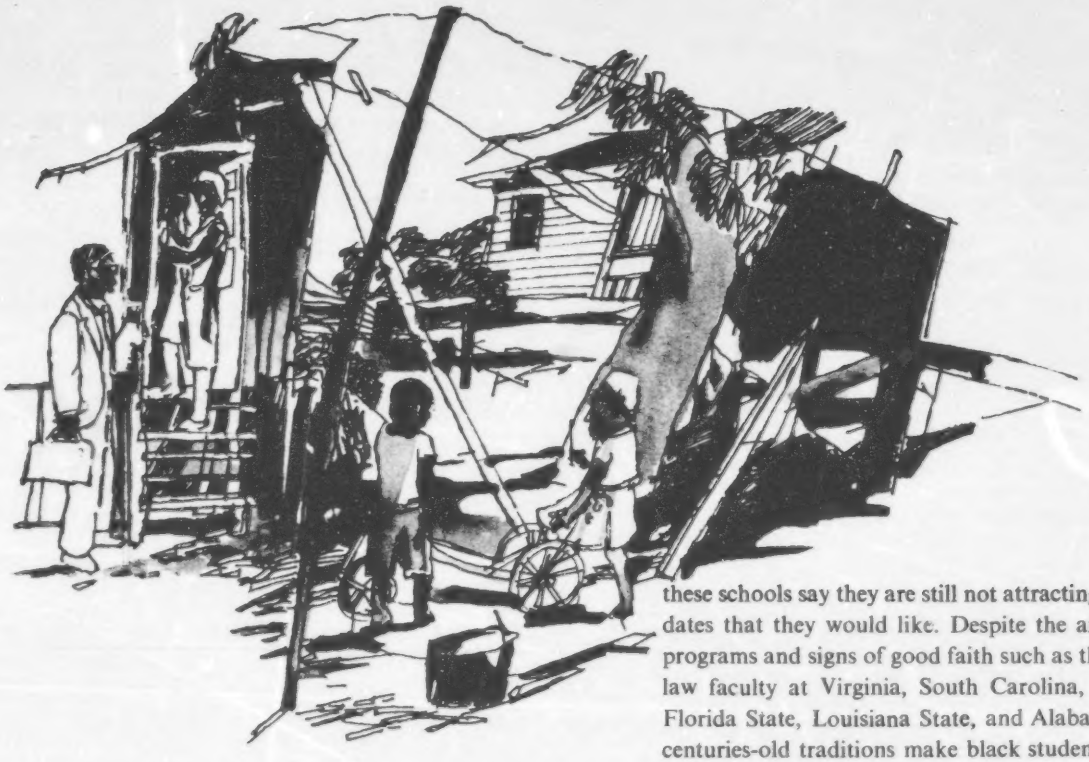
The Reidsville case rests on questions of outright racism, but there are often racial overtones in the lawyers' other cases. For example, Bishop found in one case that a judge had stricken all but one black name from a jury list, and in another case found that it may be difficult for a black plaintiff to win a case dependent on black witnesses testifying against whites. The firm is overcoming such problems by making sure juries aren't packed, and both lawyers are getting increased visibility in return.

Already, Republicans and Democrats are eyeing Bishop for the future. While he is putting off politics until the law practice takes firmer root, Bishop has accepted an appointment to the Columbus Community Relations Commission and has been named to the Governor's Advisory Council on Drug Abuse.

Even with his funding which declines over the next two years, Sanford Bishop's future is not exactly secure and his impact on Columbus cannot be truly assessed at this date. But, if one judge who is pleased with Bishop's work is right about his neighbors as well, "Columbus will find a place for him."

* *

Warren graduate who specializes in civil rights litigation has brought a case about distributing public school textbooks to students in private segregated schools before the U.S. Supreme Court which ruled the practice unconstitutional. Still another graduate, while building up a general practice, has launched a lay advocacy program to educate poor people about their legal rights. She has poor white clients as well as blacks because, it seems, she is the only lawyer in town willing to trudge down to the jail to see criminal defendants. Ironically, better-off white lawyers have been helped by the



young blacks—the black lawyers create a lot of new business for them by suing the corporations that they serve.

But the contribution of the black lawyer in the South cuts even deeper into their communities. In addition to the legal services they provide, Warren graduates may run voter registration projects, serve in city governments, or become involved with community organizations, activities which, as much as formal legal representation, may create new relationships between blacks and whites. A number of Warren graduates hold public office. One serves on the City Council in Arkansas, another is a county chairman in Natchez, Mississippi, and still another is a state legislator in Arkansas.

Problems Remain; New Ones Arise

However impressive such accomplishments may be, it is shortsighted, if not unreasonable, to believe that the existence of a small number of black lawyers means that the problem of black legal representation and rights have been solved or even that a neat formula for solving them has been found. After all, despite some enrollment spurts, some evidence of good will, and grant-sponsored programs, black enrollment in law schools comes nowhere close to meeting black needs. At 17 predominantly white law schools, blacks account for about 3 percent of all students. When this fact is coupled with a dropout rate for blacks which appears to run as high as 30 percent at a school like Alabama compared with a mere 6 or 10 percent for whites, there is no way to pretend that the problem will simply solve itself.

New obstacles are arising as well. For one thing, many of these schools say they are still not attracting the black candidates that they would like. Despite the aid of recruitment programs and signs of good faith such as the hiring of black law faculty at Virginia, South Carolina, North Carolina, Florida State, Louisiana State, and Alabama, the legacy of centuries-old traditions make black students persist in their feelings that they may not have a chance.

And to be fair, their time at a predominantly white school is not easy. For instance, fifteen of the sixteen first-year students at Mississippi and seven out of eight at Alabama were put on probation one year. While black students themselves might say this kind of action *is* racism—a fact that is debatable—more likely it is the *consequence* of past racism. "We've got to remember," says Spearman, "many blacks have not only had unequal but segregated schooling experiences, and law school presents the severe psychological pressures of an unfamiliar white environment, and new teaching techniques." As one student puts it: "I know my schooling background wasn't as good as the others [whites], but that first semester I was so psyched at being here at a white school, I couldn't have done well if I had been Einstein."

Then too, part of the problem of enrolling more blacks is the rising popularity of the law among white students. Some deans may find themselves with ten times as many applicants as places in their classes, and this has meant that the ordinary standards for admission have shot up sharply. In fact, one dean candidly admits: "Most of my classmates couldn't be admitted today." Black students, even those who may have good grades in college, typically do not do very well on the "law boards," standardized tests which are highly predictive of student achievement in law school, which in turn are highly regarded by law schools.

With the avalanche of applications, the schools have been putting more and more emphasis on these so-called objective standards. While making special allowance for the background which accounts for lower scores by blacks, they

often are not making as many allowances as black students feel they should because minority group members perform very poorly on standardized tests for any number of complicated reasons. Deans of state-supported schools, on the other hand, feel uncertain about turning away highly-qualified white students and insist that it is no service to the black community to turn out less than excellent black lawyers, statements which are reasonable but may not be wholly satisfying or convincing. Nevertheless, such views make outside scholarship aid that much more important. "Since most blacks need aid," says Spearman, "if schools knew they would have to devote almost all of their own funds to them, that would act as another deterrent against admitting blacks with lower scores."

The admissions situation has become increasingly tense. A lawsuit, the *DeFunis* case pending in the U.S. Supreme Court, is testing whether a school may adopt different criteria for minority students if that means not admitting more qualified white students with higher test scores. Even should the Court determine that such policies may continue because schools have the right to consider the benefits of integrated education for all their students, the legal needs of minority communities, and the motivation of the applicant, local politics may make such action more difficult for law schools to follow.

Impetus to Keep Blacks in School

If prospects for enrolling a larger portion of black students are uncertain, the need to make sure that those admitted do stay the course becomes that much more compelling. To that end, in 1972, the Corporation again funded LSCRRC to help support a retention program to strengthen blacks' ability to do well. While some law schools have been aware of such a need themselves, academic problems often arise out of an oppressive atmosphere or emotional-racial strain that makes it difficult for school-initiated programs to allay black fears particularly when blacks often do not like the stigma of a special program aimed at their weaknesses. The LSCRRC programs, while run differently at each school, and relying mainly on black students as tutors, have served a psychological as well as pedagogical need. The program's short history means any evaluation is tentative, but in a number of instances deans have clearly credited it with keeping students in school and raising their grades. Moreover, it should be noted that although the dropout rate often seems high, it may not be accurate because the evaluation showed that many "dropouts" have been readmitted, go to other law schools, and eventually do graduate. In fact, the overall dropout rate may be close to 20 percent.

Although it was not initiated to help black law students remain in law school, another LSCRRC program, the summer internship, has had just that effect. The program, which was first initiated by LSCRRC, places students in jobs with civil rights and legal services organizations and with practicing attorneys during the summer. If, the premise goes, students could early-on savor the rewards—and needs—for such work, the internship would be a means of encouraging students to enter such practices themselves. The stipend which LSCRRC could pay students, white and black, would cover the summer's expenses at best, and so blacks, who are frequently forced to take high-paying summer factory jobs to help ease their debts, find it difficult to accept internships. A Corporation grant was designed to increase the number of black interns in the South by providing scholarship grants in addition to the usual stipend. With this money the number of black interns has risen.

Perhaps more important than the rise in participants—and even their dedication to seek such work upon graduation—the program has provided many with the opportunity to sharpen their legal skills and expand their own ability to understand the workings of the law which had seemed such an incomprehensible tangle of theoretical concepts in class. "I had memorized all the definitions in class," says one intern, "but I learned what they meant in the summer."

Not only has the program strengthened some students' ability to complete law school, it has helped increase other students' desire to do so. One study, in fact, commissioned to explore the reason for poor black performance in law schools, found the explanation in black "misconceptions about what the law is," false expectations that the law is passionate and caring when in reality it is indifferent. Until their summer experience, the dry, analytical approach in first-year courses has seemed far removed from student desires to cause social change. After an internship, however, one representative law student insists: "I hate law school, but the summer reassured me it's worthwhile."

For the southern students in northern law schools, the program also provides a way of keeping their contacts—and commitments—to the South. One intern was astonished by the plight of the poor sharecroppers whom he had tried to help, and another was even more amazed at his own ability, even with a scant knowledge of law, to get something changed, and both admitted that the temptation of an easy berth in an established law firm no longer was compelling. And as if such positive results from a relatively simple program were not enough, the ancillary benefit of releasing pent-up student energy through the summer internship has been some relief for overworked civil rights lawyers and government agencies throughout the South.

Spearman, a Rhodes Scholar, lawyer, and former clerk to Justice Hugo Black, who spent this past summer traveling throughout the South, meeting with southern deans, listen-

Evelyn Lewis: A LSCRRC Intern

This summer, as a LSCRRC intern, she worked close to 60 hours a week writing legal memoranda and going to court with civil rights lawyers who were working on everything from school desegregation to job discrimination. She had to pass up a high-paying summer job and she had to live in a spare room of family friends to do it. Yet Evelyn Lewis, now a second-year student at Harvard Law School, says the chance to work for a civil rights firm in the South was "something I've worked towards for years."

Perhaps the idea of going to law school itself is the only thing she has wanted for a longer time. "In about the fifth grade," she says, "I determined to go to law school and I determined what I'd have to do to get there." Her strategy included graduating from college Phi Beta Kappa while occasionally holding down three part-time jobs and, as she says, "getting down the skills" writing and speaking, to do well at the law.

This determination, which her easy manner and high spirits belie, is a product of both her desire to help blacks attain some social justice and her own sense of her strengths. She grew up in Raleigh, North Carolina in a family that was highly-respected. "I never felt inferior," says Evelyn, "I didn't realize very much about discrimination because of the way my parents acted." However, the civil rights activities of the late fifties and sixties made her realize the different treatment accorded blacks and whites, even in small matters. For instance the special books, used only in her class of high achievers, at her black school were those used by all the white students in the school on the other side of town.

She insists that she will make what she calls her "contribution" against discrimination. She did her share of marching and picketing, but realized early on that militant civil rights work was not right for her—or the way in which she thought she could be most effective. "I know my personality too well to think that I could get a lot of people all riled up to do something," she says, "and it goes against my grain to make the colossal, sweeping statements you need to do that, or to kick things over and start from zero." Martin Luther King's peaceful approach and the break-throughs in the courts were more appealing to her. Moreover, she was academically-oriented and felt most comfortable working within an institutional framework. And so a law career was born.

Her four years at the University of North Carolina at Chapel Hill, the first integrated school she attended, intensified her desire for a career where she could change things through traditional channels. She found that her expectations of prejudice were higher than the level of actual discrimination. Yet, many black classmates, she says, "had had the notion of inferiority so ingrained in them, that they really didn't believe in themselves." For many, their grades suffered accordingly. Others, she found, rebelled against achievement because it harkened back to the idea that blacks had to be twice as good as whites to succeed.

Evelyn, however, concentrated on "preparing" for law school. She took English courses to enhance her writing ability and public speaking as well as one job as an intern in the state bureau of investigation and another in the department of corrections. "Building the résumé," as she puts it, seemed especially important. "Law school is not always an option when graduation is upon you," she says. "The white students at Harvard have families who were in the law and have worked towards this for a long time. Blacks start later and don't have the résumé to get in."

Evelyn went to Harvard plainly because of its reputation. She chose Harvard also because she was peeved at some southern law schools. She resented some one-page application forms which she found insensitive to blacks' backgrounds or goals, and told one dean: "After trying to prepare myself to be a lawyer in every way I know how, you don't want to know all that I've done or if I had to work to put myself through. You just want my class rank and the law board scores."

The problem for blacks at a northern law school, Evelyn finds, is "they forget the reason that they came here because they get so caught up in working." To keep from losing her civil rights focus, Evelyn sought a LSCRRC summer internship. She spent the past summer going to court with black lawyers from the best civil rights firm in North Carolina, an experience that was as rewarding as it was demanding. It impressed her with the fact that a lawyer can push forward justice in many ways because, she says, "you learn to see racial problems in a lot of things, not just civil rights cases, and you see how you can move things a little bit so another lawyer can take it further in the next case."

Realistically, while the summer internship strengthened her commitment to work for black people, it did not convince her to return to the South "immediately" after graduation. She saw the limits of a small black practice, and she saw the social limits for a lone, professional woman. But more than this, she feels that it is too bad that blacks snub black lawyers who do not go into civil rights work. She says, "If anything, I'm more committed now, but I see that such a commitment does not have to be limited. Blacks are moving ahead in many fields and so I feel that black lawyers, too, should learn something about every rung in the ladder, making sure blacks are getting the same tax breaks as whites, not just getting them out of jail."

Following the same careful reasoning that led her to seek a law career in the first place, Evelyn now feels that she should know more about business law because, she says, "it is just as vital to get an economic base that's working for black people as it is to do civil rights." Eventually, whatever type of law she practices, Evelyn feels that she can help blacks by choosing the kinds of cases she will handle—"cases," she says, "where helping one individual can make a ripple in the pool."

* *

ing to their problems and hearing of their successes and often their failures, and seeking out black students and young lawyers to hear of their experiences to assess the impact of these grants, has been nearly as impressed with their achievements as with their goals. But at the same time that he will say, "These programs have already made real progress both in statistical terms of the number of black lawyers developed and in the difference they have made in the lives of many blacks in the South," he insists that simply creating black lawyers and leaving it at that goes only half the distance. The end of this complex of programs, after all, has not been the education of black lawyers, but ulti-

mately creating access to justice for black citizens, especially in the South. "What is needed just as badly as training," says Spearman, "is a way to insure that black attorneys can practice in the places where they are most needed. There are still a lot of ways that black lawyers, especially those who have debts they must pay off, can get sidetracked."

From this perspective, ultimately the most critical program that a Corporation grant has helped to expand has been the post-graduate fellowship program of The Earl Warren Legal Training Program, Inc., which, in fact, has aimed at turning inexperienced and unsupported black lawyers into viable legal advocates and then placing them in communities in the South where the absence of black lawyers can only impede the long march towards social justice. By bolstering their skills in civil rights areas, at the same time as giving them financial support necessary to pursue such cases, the 1970 Corporation-funded expansion of the program has helped give this effort a new force. And this was critical because it helped to offset the Justice Department's retreat from its southern civil rights commitment.

Over the past years, the eight to twelve fellows who are selected annually have trained by working with the LDF's civil rights attorneys, generally in both the New York main office and in a southern location. The program builds legal skills, specifically those which can push forward the LDF litigation agenda in areas as diverse as education, equal employment, or housing. It also builds considerable self-confidence in young lawyers who perhaps may appear before a federal Court of Appeals to make their first courtroom argument as a practicing attorney. Both skills and confidence are needed for young lawyers who eventually will be working where few black lawyers have practiced before.

Starting a law practice anywhere is not an easy thing: Most small businesses fail. But for a black, starting a practice in the South, choosing a place where there may not be another black lawyer, and hoping to handle civil rights litigation—work that practically by definition cannot pay—is almost as unrealistic as it is necessary. Without the funds from the Warren program, paid in declining amounts over the first three years, to set up an office, purchase books and provide fees for civil rights work, it is not likely that even the most dedicated could survive. Besides, without firm guidance from the LDF as well as professional support, it is certain that fewer black lawyers might finally choose to practice in small towns with limited personal attractions. But although they may not live handsomely, only two of the 39 lawyers have dropped out of the program since 1970. What is more, applications have run over 170 a year.

Most impressive, of course, is the work of the Program's young attorneys. Almost all have passed the bar on their first try, which illustrates the strength of the LDF training program. Since 1970, one lawyer in Louisiana has worked on school desegregation and fair employment litigation; another in West Virginia has taken on everything from criminal cases to fair employment, while still others in South Carolina or Alabama have done work in jury discrimination or even initiated fair employment suits against dominant business concerns. Others are helping blacks by doing work for small businesses or economic development corporations.

Fellows from earlier years have already emerged as well-respected civil rights advocates known throughout their states by creating modest-sized firms that have gained proportionately immodest records of achievement. Other lawyers are impressive, too: One is serving as a mayor of Prichard, Alabama, and another is a judge in Houston. Although they are tapped by both the white and the black community to run for public office, many of the other attorneys are postponing political commitments to accomplish present goals. Even so, the foundation has been laid for a future that holds no limits for them.

It seems just as evident that the future holds fewer limits for their people in the South as well. To underestimate the problems that lie ahead in assuring blacks access to justice in the South would be to deny history. Yet if the dedication and the ability of the black lawyer are any measure of what lies ahead, a new history is in the making.□

For further information and copies of the report, *A Step Toward Equal Justice:*

Mr. Wilhelm M. Joseph, National Director, Law Students Civil Rights Research Council, 22 East 40th Street, Room 1022, New York, New York 10016

Mr. Jack Greenberg, Director-Counsel, The Earl Warren Legal Training Program, Inc. of the NAACP Legal Defense and Educational Fund, Inc., 10 Columbus Circle, New York, New York 10019

Creating "New" Schools: How Knowledge Plus Pressure Equals Change

By tradition, it is always open season on the schools. Yet to the long-held plaint that Johnny can't read or do math, and the more recent revolt against rising and often inequitable school costs, has been added a perhaps more serious charge. All too often professional critics, over-worked teachers, or parents, beleaguered by the inability of their children to succeed in school, say the traditional approaches of the public schools, especially troubled inner-city schools, are coercive and demeaning or "at best" mindless.

Far from nurturing the promise of their pupils, the schools seem to reinforce or reflect social inequality and all but condemn children to the dead-end jobs and limited future of those who acquire neither the educational level nor the motivation and the confidence needed to do well in a highly complex society. The schools are at fault, these critics say, because they expect no better or do not take into account the cultural diversity of city students. Even middle-class families have sometimes come to feel desperate because their children are not being reached by traditional schooling. Many, it seems, want the schools to change; fewer can suggest *how* this might be accomplished.

The temptation over the past decade has been to give up on the idea of directly changing the existing schools, because school systems have become so very large and complex and are weighted down by complicated procedures which inhibit their ability to carry out new programs and approaches. Instead, many administrators, teachers, and parents have hoped that by starting from scratch on a small scale, they could design "alternative" or "experimental" schools to emphasize individualized methods of learning, responsive relationships between teachers and learners, and community participation in the schooling of its youngsters. The result—motivated and enthusiastic students and hence better learning—as the reasoning goes, would pressure the traditional public schools to change by the force of such accomplishment.

Learning from Metro

Three educators of such persuasion—Richard Johnson, Donald Moore, and Thomas Wilson—who had had experience in teaching and educational research and evaluation, worked on the arduous task of helping to develop Chicago's Metropolitan High School, a public alternative school not far from the city's busy downtown area. Metro allows its students, who are chosen by lottery from a host of eager applicants from all over the city, great individual choice and encourages other-than-classroom learning by initiating courses at everything from art museums to businesses. It has not survived without turmoil and rethinking, but Metro has become an exciting development in public education.

In an effort to capitalize on Metro's experience in alternative education, Johnson, Moore, and Wilson formed the Center for New Schools in Chicago to provide information and to help public systems throughout the Midwest that wanted to initiate alternative schools. The Corporation backed the Center with a grant as part of its developing program in elementary and secondary education, which is focusing on the process by which schools are able to incorporate changes. Without some research and technical assistance to guide new programs and a place for people to learn about what has worked—and what has failed—in alternative schooling, such sincere endeavors risk being little more than a fad. Moreover, the Center does not assist just teachers or just administrators, but insists that effective education requires the commitment of many groups—administrators, school boards, and parents as well as teachers.

Over the last two years, the Center has had its successes in effecting change in public schools; but what is interesting—and not altogether atypical—is how knowledge gained from their successes have in turn reoriented the work of the organization. Explains Center associate Moore: "We've found that an alternative school may do great things for 350 students, but in itself is incapable of changing the system." Experiments tend to get isolated from the mainstream of a school system where school personnel, often more comfortable with traditional approaches and without specific pressure to implement new ways, continue to work on the press of regular business and let new ideas get watered down. The lesson, says Moore: "The people who can best exert a meaningful force to change the schools are the parents who are 'there' and who are concerned not with the system's philosophy but with their children." As one mother puts it, "I know that 'change' has to relate to *my* kid and I want to be effective in *my* school."

At the same time that expertise doesn't count without pressure for change, the inverse holds, too. Neighborhood concern may be able to gain influence in schools, but without some understanding of what they might do, such force is not meaningful in the long run. Says one Chicago foundation executive: "I keep asking outraged parents, 'And what are you going to do after you get rid of the honky principal?' "

So while continuing research and work with alternative schools throughout the Midwest, the Center is concentrating on assisting local Chicago groups involved in improving their public schools. For instance, in an area on the North side, the Pilsen Neighbors, a Mexican-American group, were distraught over the fact that 70 percent of their youngsters do not finish in the high school several miles from their home. They had fought a long campaign to have the Board

of Education establish a Chicano high school in their neighborhood. Once construction was approved, however, the Neighbors' contact with the Center helped them to see that a new building alone was unlikely to change the educational experience and performance of Chicano students.

So with help from the Center, the group has done the research to come up with a comprehensive set of proposals for the new school including everything from bilingual education to work-based learning. And the group then influenced the board of education to immediately start a pilot school that would test out the community plan. This program, far from merely attacking the failings of the current school, presents an analysis of what they see as the most promising way of overcoming them. Importantly, the Center did not lay out a plan for the group but helped it examine different approaches. Says Lola Navarro, a member of the community council: "We could have done this ourselves,

but it might not have been as thorough or it would have taken more time. Now we can do the research (we even know the jargon) so the board can't hide behind 'professionalism' when they don't want to listen to us."

In a black neighborhood, Ida Fletcher, chairman of United Concerned West Side Parents, had another problem when she began working with Center associate Richard Johnson. The West Side group has been a real force to reckon with for many principals and, in fact, deserves credit for schools within its district where children scored very high on national tests. Yet, she felt: "Parent participation is not taken seriously. School people feel community people are ignorant, and parents don't know what to look for when they go into a school, so they can't really count." District superintendent Joseph Rosen agrees that without some training, "neighborhood groups often become 'complaining councils,' and teachers naturally turn off and withdraw from them." But he also feels that parents shouldn't be stifled by the schools. "They should learn how to work together."

In response, the Center helped run 26 weekly three-hour sessions for 29 parents, community people, teachers, principals, and the district superintendent on how to evaluate and improve their schools. The joint community-school effort learned how to prepare questionnaires and interviews to study the problems of parents and teachers, and somehow endured highly-charged discussions, where Mrs. Fletcher says: "We sat there with tears rolling down our faces."

What helped the group most perhaps in creating a sense of the human problems of parents and school people trying to change their schools together was video-taping parents acting the role of principals talking down to hesitant, submissive parents played by teachers, and other typical scenes that often turn opportunities to communicate into hostile confrontations. The end result: Teachers who said they got more out of such training than from their college education and a district superintendent who insists that, "These sessions really enhanced our ability to work together and made us more sensitive to what people want and how to go about doing it." The parents, who had won the right to observe classes in their school, gained a sophisticated eye (their perceptive comments include the fact that "well groomed youngsters get more attention than others" and that "some teachers lecture their class, but do not teach it").

In still another community, parents and teachers have had the Center create training workshops for them. Other parents have established a school action center which helps parents deal with concrete problems, such as an abusive teacher or incorrect placement in classes for slow learners. Most important, parents have found a way to be heard by their school. Says a mother, reflecting the Center's philosophy, "We don't want to be a threat to the schools, we must be a helping hand. After all, we're talking about our children and we don't want them to make us sit on the sidelines."

As it is with any fledgling organization trying to make a dent in monstrously large and sometimes lethargic school systems, it is hard to evaluate just how much the Center has been able to accomplish. But this diversified approach toward changing the schools has a real logic, for, as Tom Wilson puts it, "While the elements for change are always different because different people have different concerns and different needs, the formula is the same: Community pressure for something more responsive together with professional, technical know-how can create constructive change."□

For further information:

Mr. Donald R. Moore, Executive Associate, Center for New Schools, Suite 1527, 431 South Dearborn, Chicago, Illinois 60605

Contributions to Increase Black Lawyers in the South

(over five-year period ranked in order of amount)

Law Students Civil Rights Research Council Nov. 1968-Feb. 1974

General Public & Membership	
Mail Solicitations (approx. 15,000 people)	$321,151
Private & Placement Contributions	213,298
Miscellaneous (Chapter fund raising, sale of publications, dinners)	24,429
Grants	
Carnegie Corporation ($50,000 due in 1974)	$225,373
Field Foundation	150,000
Norman Fund	138,839
Ford Foundation	119,078
New World Foundation	110,000
New York Foundation	57,500
Rockefeller Bros. Fund	50,000
San Francisco Foundation (for California programs)	33,000
Von Loben Sels Foundation (for California programs)	30,000
Glickenhaus Foundation	22,950
Boehm Foundation	20,000
Abelard Foundation (for California programs)	20,000
Stern Family Fund	15,000
Donors Anonymous Foundation	10,000
Field Foundation (Illinois)	10,000
Schumann Foundation	10,000
Fund for Tomorrow	5,500
Scheide Association	5,500
Gutfreund Foundation	5,200
Sunflower Foundation	4,500
Division Fund (for California programs)	4,000
Rabinowitz Foundation	4,000
Buttenweiser-Loeb Foundation	3,000
Fain Fund	3,000
Levi Strauss Foundation (for California programs)	3,000
Ottinger Charitable Trust	3,000
Taconic Foundation	3,000
Cummins Engine Foundation	2,000
Reader's Digest Foundation	2,000
Hefner Foundation	1,500
Hess Foundation	1,500
Dane Foundation	1,000
Eldridge Foundation	1,000
Janss Foundation	1,000
Playboy Foundation	1,000
Ritter Foundation	1,000
Southwest Intergroup Relations Council	1,000
Sperry Foundation	1,000
Miscellaneous (grants less than $1,000)	4,115
TOTAL	$1,642,232
Estimated Total for Southern Programs	$650,000

NAACP Legal Defense and Educational Fund-Earl Warren Legal Training Program, Inc. 1969-1973

Scholarship Program	
Carnegie Corporation (Includes $165,000 due in 1974 and 1975)	$727,500
Ford Foundation (Includes $172,500 due in 1974 and 1975)	682,500
Fleischmann Foundation	76,250
Henry Ford II Fund	40,000
New York Community Trust	28,800
Merrill Trust	24,000
Butler Trust for Charity	20,000
Columbus Foundation	15,000
Cabot Charitable Trust	9,000
Vingo Trust	5,000
Caroline Ferriday	4,140
General Service Foundation	4,000
Mr. & Mrs. Henry Bourne	3,000
Mr. & Mrs. Robert Chamberlin	2,100
Mr. & Mrs. Thomas Chamberlin	2,100
Fred Harris Daniels Foundation	2,000
Gebbie Foundation	800
Fellowship Program	
Carnegie Corporation	$581,300
Field Foundation	530,000
Rockefeller Brothers Fund	360,000
Anonymous	30,000
Anonymous	24,750
General Grants	
Alfred P. Sloan Foundation	$270,000
Schumann Foundation	30,000
Sunnen Foundation	20,000
S & H Foundation	17,500
General Service Foundation	15,000
Werthan Foundation	8,000
Hoyt Foundation	6,000
Hofheimer Foundation	5,000
Fred Harris Daniels Foundation	4,200
Division Fund	1,000
74 Corporations contributed a total of	215,474
TOTAL	$3,764,214
Estimated Total for Southern Programs	$2,967,000

(Data provided by LSCRRC and Earl Warren Legal Training Program, Inc.)

Carnegie Quarterly

Winter 1974

Carnegie Corporation of New York
437 Madison Avenue
New York, New York 10022

Written by Barbara Radloff

Illustrated by Victor Lazzaro

Each issue of the Quarterly describes only a few of many Carnegie-supported projects in a variety of fields. Full listings of the Corporation's activities are contained in its annual reports.

Carnegie Corporation of New York is a philanthropic foundation created by Andrew Carnegie in 1911 to promote the advancement and diffusion of knowledge and understanding among the people of the United States. Approximately 7 percent of the Corporation's $135 million endowment from Mr. Carnegie has been devoted to the same purposes for the people of what were then known as the British Dominion and Colonies. In the Commonwealth of today the Corporation's activities are concerned primarily with the developing countries of Africa. The Corporation's present capital assets, at market value, are about $290 million. The Corporation is primarily interested in education and in certain aspects of governmental affairs. Grants for specific programs are made to colleges and universities, professional associations, and other educational organizations.

BOARD OF TRUSTEES

Margaret Carnegie Miller, *Honorary Trustee*
David A. Shepard, *Chairman*
Caryl P. Haskins, *Vice Chairman*
Amyas Ames
Robert F. Bacher
Harding F. Bancroft
Louis W. Cabot
Aiken W. Fisher
Phyllis Goodhart Gordan
Francis Keppel
Philip R. Lee, M.D.
Malcolm A. MacIntyre
Madeline McWhinney
Alan Pifer
Howard D. Samuel
Jeanne Spurlock, M.D.
Franklin A. Thomas
Marta Y. Valle

ADMINISTRATION

Alan Pifer, *President*
Richard H. Sullivan, *Assistant to the President*
David Z. Robinson, *Vice President*
Florence Anderson, *Secretary*
Sara L. Engelhardt, *Assistant Secretary*
F. Lee Jacquette, *Treasurer*
Thomas A. Bergin, *Assistant Treasurer*
Stephen H. Stackpole, *Director, Commonwealth Program, and Program Officer*
E. Alden Dunham, *Program Officer*
Barbara D. Finberg, *Program Officer*
Eli N. Evans, *Program Officer*
James M. Dyer, *Program Officer*
Avery Russell, *Director of Publications*
Vivien Stewart, *Program Officer*
Catherine McDermott, *Personnel Director and Office Manager*
Barbara Radloff, *Editor*